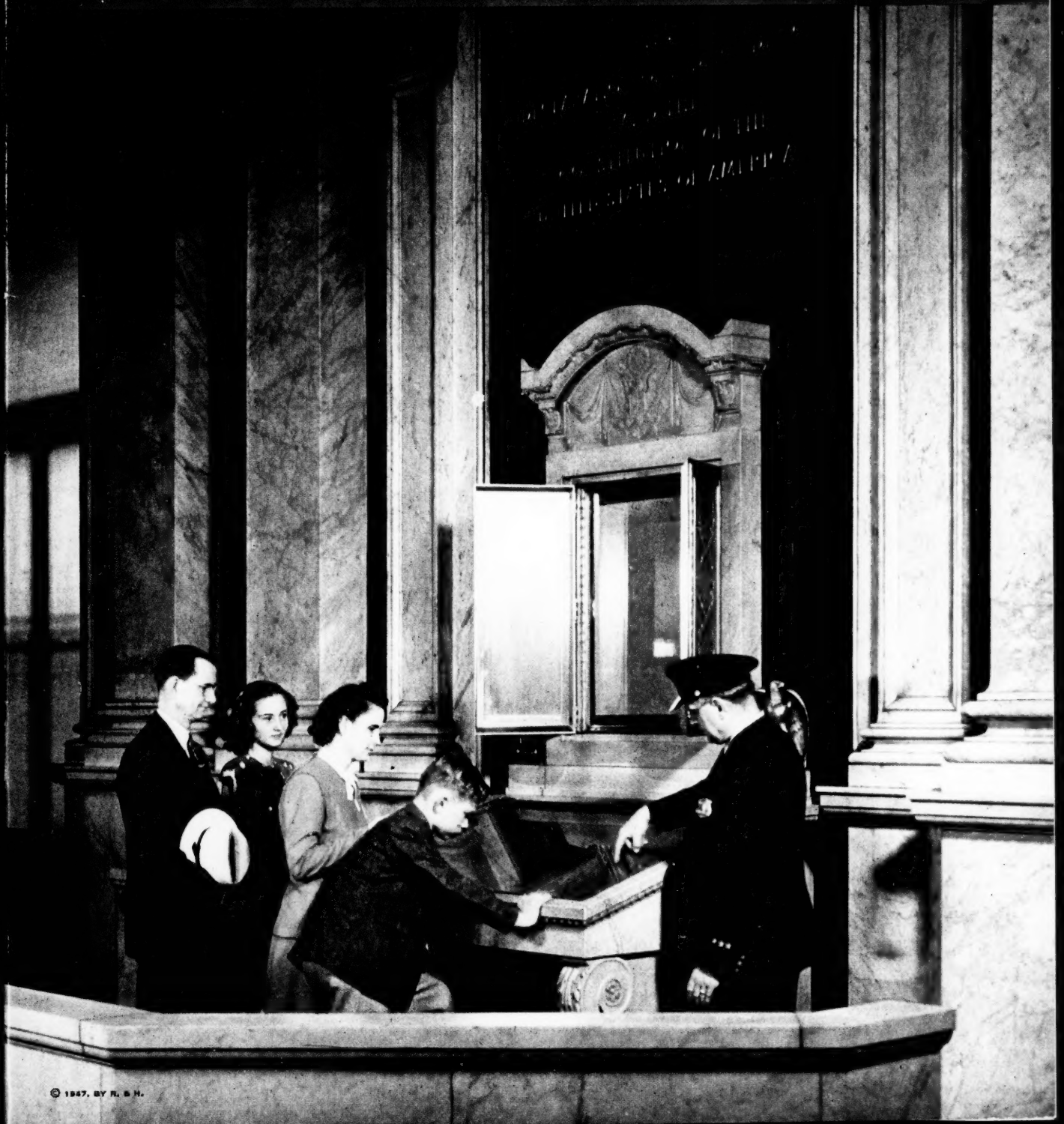


LIBERTY

LIBERTY BELL FOUNDATION



RELIGIOUS LIBERTY ASSOCIATION

Religious Liberty Association, 6840 Eastern Avenue,
Takoma Park, Washington 12, D.C.



In This Issue

Vol. 42—No. 3
Third Quarter
1947

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COVER

The Bronze and Marble Shrine in the Library of Congress
Color Photo by S. M. Harlan

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Our Cover Picture

Somehow we feel that this quarter's cover will have a special appeal to all our readers. This shrine in the Library of Congress preserves the engrossed and signed Declaration of Independence, the only such copy in existence. Of course, facsimiles have been made of this document from time to time for the use of the public. The engrossed and signed original of the Constitution of the United States is on permanent exhibition in this same shrine. All possible precautions have been taken to safeguard these priceless documents. They are kept under constant protection. On our cover the guard on duty is shown pointing out to visitors the signature of George Washington on the Constitution. Practically every visitor to the Library makes a special effort to see these two documents, which are housed in this bronze and marble shrine on the second floor.

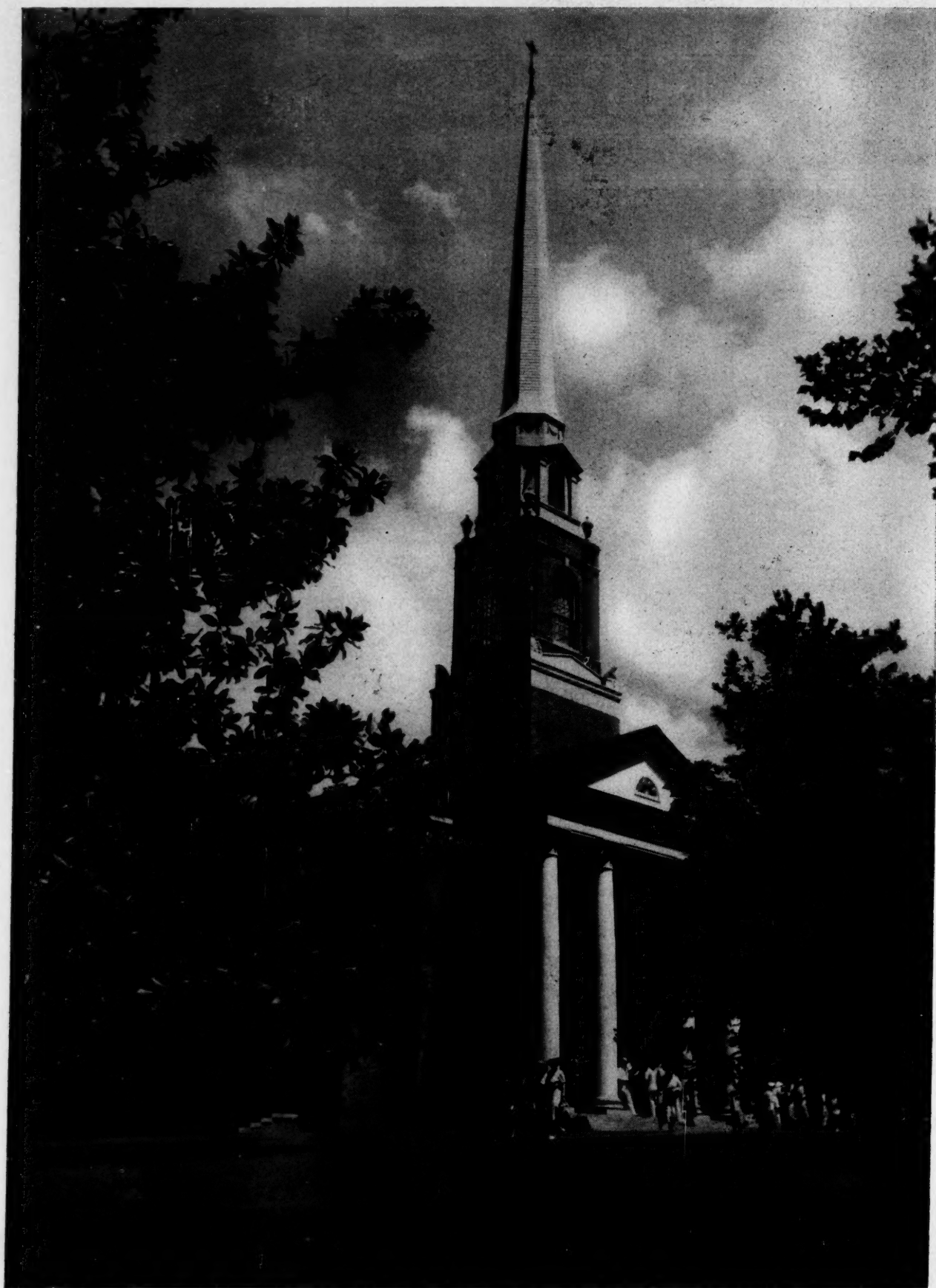
In these stirring and threatening times it is not only our privilege but our duty to see that the freedoms so dearly won in the early days of our Republic are preserved and made to function. Our vigilance today is needed as never before to guard against ideologies that would jeopardize these liberties and God-given rights.

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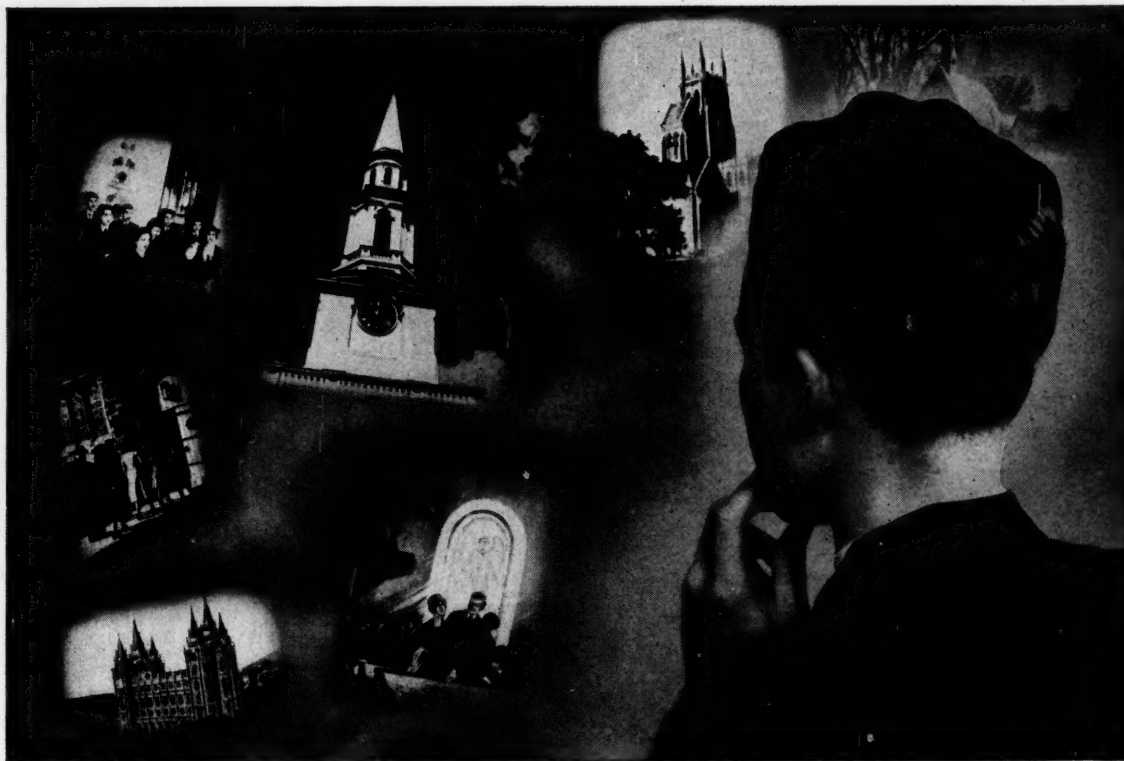
LIBERTY is the successor of the American Sentinel, whose first number was published in 1886, at Oakland, California. Its name was changed in 1906 to LIBERTY, under which name it has been published quarterly by the Review and Herald Publishing Association, Takoma Park, Washington 12, D.C. Entered as second-class matter, May 1, 1906, at the post office at Washington, D.C., under the Act of Congress of March 3, 1879. Subscription rates—one year, 60 cents; club of three subscriptions to separate addresses, \$1; five or more copies mailed by publishers to five addresses or to one address, postpaid, each 9 cents. No subscription accepted for less than one year. Remit by post office money order (payable at Washington, D.C. Post Office), express order, or draft on New York. Cash should be sent in registered letter. When a change of address is desired, both old and new addresses must be given.

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LEON CANTRELL

Under American Law, All Churches Enjoy Full Religious Freedom to Practice Their Various Faiths and Beliefs



We Must Beware of Subtle Influences That Would Undermine Our Basic Freedoms

A Danger Facing Religious Groups

The Hazard of Making a Virtue of Indefiniteness

By THE REVEREND W. NORMAN PITTENGER

A RECENT ENGLISH STUDY in university education remarks in passing that there is a danger now facing the religious groups in Great Britain, potential at present but not unlikely to be actualized. The author of the study, Dr. Daniel T. Jenkins, writing in the series "University Pamphlets" (Student Christian Movement, London), says that such a danger is to be found in an "ideology" which "would probably be linked vaguely with abstractions like truth, beauty and goodness, and with 'democratic' ideals and national aspirations. It would probably make a virtue of indefiniteness in order to secure the maximum of agreement and would serve to cover up all the real differences between men. . . ."

Whatever may be the likelihood of such a vague "state" religion supplanting historic Christianity in English educated circles, it is clearly the fact that in America there is real danger that without actual "establishment" by the government of a *required* religion

for all citizens, we are faced by a widespread moral, religious, and spiritual movement toward some such "American religion." Inasmuch as the background of our American "way of life" has ever been more or less religious, it is almost inevitable that any revival of emphasis on the importance of our distinctive democratic principles should involve some resurgence of a religious interpretation of existence. And since there are many varieties of religious expression in America, from the different Protestant denominations through the various Catholic or Eastern Orthodox groups, to the "fringe" movements such as Bahaism, etc., it is again inevitable that some common denominator will be sought to provide as it were a religious "carrier" for our democratic heritage.

Now, I am not discussing at the moment the truth or falsity of any particular religious position, or even of this common denominator; I am concerned to state that I, for one, see here a genuine danger to our whole

American conception of the freedom of religious expression. In this I am not entirely alone, for several recent writers have in one way or another sensed the direction in which we *may* move, here in America. But I feel that if I am not alone I am so nearly so that it is important to bring this matter flatly to the attention of our citizenry. To put it in the form of a question: Is there not a danger that in the effort to secure uniformity and agreement here at home we shall insist on some set of beliefs or values which shall be imposed arbitrarily and forcefully on all our people?

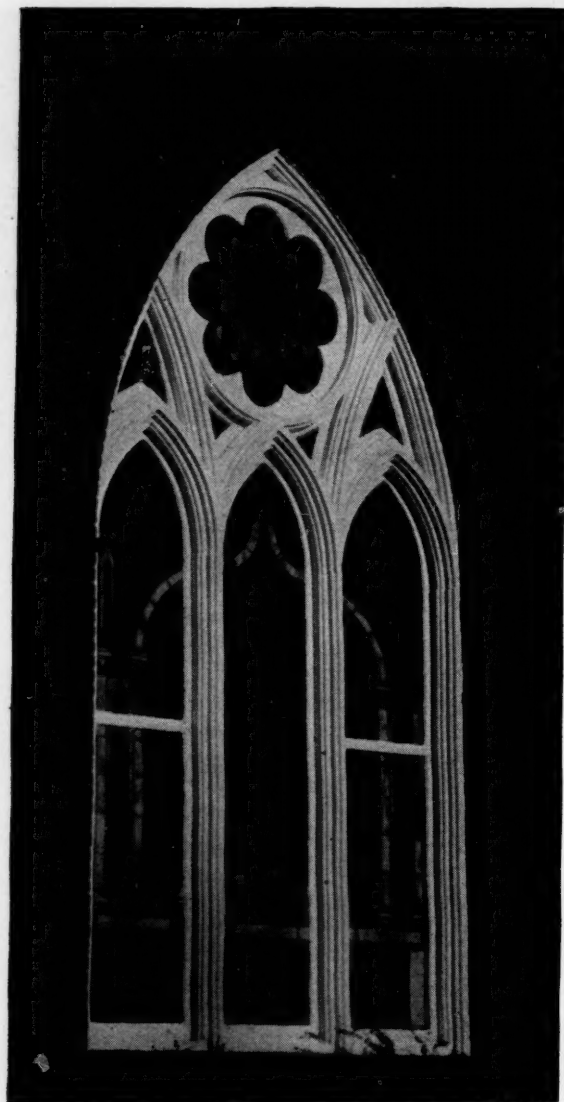
Let me say frankly that I have no particular concern to defend the ideas of the group called Jehovah's Witnesses—as a high-church Episcopalian I am not likely to! But I am very much concerned to defend their absolute right, insofar as they do not interfere

with public morals or order, to express their particular and peculiar views, and to seek to win converts to them. I should say as much for any American religious group, as I should expect others to say it for my own. Now if and when and as governmental agencies seek to suppress this particular group, or any others like them, the suppression is carried out not merely because of public order or morality, if at all, but because the members of this group are thought to be "peculiar," "different," "strange." And if a group holds, for example, specifically pacifist ideas, it finds in time of war that it undergoes some sort of persecution, either openly or otherwise, because it does not conform to a set of ideas which are generally accepted and popular.

Is not all this a pointer toward the danger of which I speak? I do not presume to answer this question definitely; I simply put the question lest it not be considered as one demanding thought, and careful thought at that. In one way the glory of our American heritage has been that the national, state, and local government welcomed variety of religious expression. And suppression of that expression has always been regarded as a serious offense against the whole spirit of our democracy. Let us be alert lest subtle, and thereby all the more insidious, influences modify that splendid freedom.

It is not, in my opinion, a real danger to American life that there should be a variety and difference in religious expression. It is, in my opinion, a real danger if that natural variety and difference be used as a pretext, on any grounds, for interference with the right of man to worship God as he sees fit, according to the teaching of his conscience and the dictates of the religious communion to which he belongs. If we look with dismay at the way in which one particular religious group—let it be unnamed—has sought to dominate and control education and politics in certain cities and states, we should also look with alarm at any attempt made in the interests of uniformity and the over-all American "way of life" to suppress the groups which are small, markedly different from the average, and likely to make peculiar claims or proclaim strange doctrines.

There is no room for any state religion in America, even if it be the vaguely defined one described at the beginning of this paper. All expressions of man's religious spirit have a right to flourish here; the one test to be imposed is the test of freedom—they are to win or lose their life in the free, open arena of persuasion, discussion, interchange of beliefs. This surely is the American way.



EVA LUOMA

There Is No Room for a State Religion in America, Not Even a Vaguely Defined One. All Religions Must Be Free and Untrammelled



EWING GALLOWAY

The Subject of Religious Liberty Is Appearing on the Agenda of Many Discussion Groups, and Well It Should. Young and Old Need to Be Well Informed

The Problem of Religious Liberty

*Of Paramount Significance
and a Living Issue Today*

By J. M. DAWSON*

TOO FEW in the West, and especially too few Americans, realize what importance the problem of religious liberty is taking on for our day and generation. When one speaks of religious liberty your typical American thinks of Luther and the Reformation, or of William Penn and Roger Williams, or of Thomas Jefferson and the first article in the Bill of Rights—at any rate, of ‘old, forgotten, far-off things, and battles of long ago.’ The truth is that religious liberty was never more at stake than now.”—PAUL HUTCHINSON, *The New Leviathan*, 1946.

Of the major freedoms delimited to four by Franklin D. Roosevelt—freedom from want, freedom from fear, freedom of speech, and freedom of religion—the last is the most fundamental. In a real and demon-

strable sense each of the other three is dependent upon the last. Freedom of speech is unthinkable apart from the freedom of conscience. Einstein has been quoted frequently, to the effect that in Hitlerian Germany freedom of the press went first, next freedom of the schools, but conscience in religion still held out even in the concentration camp as shown by many stalwart Christians.

When freedom of religion goes, all freedoms perish. Freedom from fear, particularly from fear of war, “the mother of all fears,” can be conquered only by Christian forces. The hope of freedom from want rests upon the proved thesis that national well-being is in direct proportion to the measure of religious freedom in all lands.

Yet religious liberty is today denied, deformed, or restricted for all or for part of the people in most

*Dr. J. M. Dawson is executive secretary of the Joint Conference Committee on Public Relations for the Baptists of the United States.

of the countries of the world. Less than one tenth of the population of the earth can be said to enjoy full religious freedom.

By religious freedom we mean, not mere toleration, not a concession for worship alone, but a hearty acknowledgment of all religious rights. How then define it? The following by the World Conference on Church, Community and State (Oxford, 1937), with representatives of one hundred denominations attending, is generally regarded as satisfactory to Protestants: "All churches should renounce the use of coercive power of the State in matters of religion. Membership in a minority church should not be a reason for denying full civil and political equality. . . . We recognize as essential conditions necessary to the church's fulfillment of its primary duty that it should enjoy: (a) freedom to determine its faith and creed; (b) freedom of public and private worship, preaching and teaching; (c) freedom from any imposition of the state of religious ceremonies and forms of worship; (d) freedom to determine the nature of its government and the qualifications of its ministers and members and, conversely, the freedom of the individual to join the church to which he feels called; (e) freedom to control the education of its ministers, to give instruction to its youth and to provide for adequate development of their religious life; (f) freedom of Christian service and missionary activity, both home and foreign; (g) freedom to cooperate with other churches; (h) freedom to use such facilities, open to all citizens or associations, as will make the establishment of these ends; the ownership of property and collection of funds."

Jacques Maritain, in his book *The Rights of Man and Natural Law*, defines religious liberty as it applies to the individual as follows: "The first of these rights is that of the human person to make its way toward its individual destiny along the path which its conscience has recognized as the path indicated by God. . . . With respect to the state, to the temporal community and the temporal power, he is free to choose his religious path at his own risk; his freedom of conscience is a natural, inviolable right. . . . This is how we must understand the right which President Roosevelt describes as 'the freedom of every person to worship God in his own way everywhere in the world.'"

I

The importance and relevance of the subject to the present could well be inferred in the light of these

Religious Liberty Was Never More at Stake Than Now

When Freedom of Religion Goes, All Freedoms Will Perish

Less Than One Tenth of the Population of the Earth Can be Said to Enjoy Full Religious Freedom

No One Can Take Religious Liberty for Granted. To Be Retained, It Must Be Appreciated and Protected

definitions, when the contemporary world as a whole and its current events come into view. But peculiar problems in Soviet Russia, the Moslem countries, Spain, Italy, India, Latin America, and more recently even in the United States tend to give the question pre-eminent interest. It looms into prominence as in no past period of time.

The bare mention of the several items in the agenda for any suitable discussion of religious liberty would reveal that they represent the chief subjects which engage the most concentrated thought of the modern world, viz: nationalism, imperialism, totalitarianism, democracy, communism, fascism, church and state, social ethics, traditions, the use of force, basic philosophies; indeed all that pertains to human religions. As a recent writer lists them, they definitely comprehend significant denials and infringements of religious liberty, situations in which such occur, and burning issues arising over such in the contemporary scene.¹ What is needed is not so much a vivid description of these arbitrary and violent inflictions on religious men as a true account of conditions, an accurate statement of causes and a tested prescription of cures.

What is desired is not a retelling of the old, old story of the origins of religious liberty, not a rehearsal of the heroic struggles of the founding fathers, perennially thrilling as all that may be, but a real, compelling portrayal of the vast and dramatic world-wide warfare now being waged by valiant men who are concerned that all men shall be free religiously and that the world shall be one in respect of religious liberty as well as in regard to other freedoms. Undoubtedly the issue is a living one, of paramount significance, and deserves the utmost consideration of all lovers of freedom, for without such care this global warfare for religious liberty, now seriously imperiled, could through neglect end in tragedy. None can take religious liberty for granted. For a people to become indifferent to it is to begin to lose it.

II

A profitable treatment of religious liberty as of the present demands that we reject the spurious thing

¹M. Searles Bates, *Religious Liberty: An Inquiry*, New York: Harpers, 1945.

"Around each person there exists an indestructible wall of natural rights. Within this wall man reigns supreme. Ordinarily, he must exercise his rights in accordance with the requirements of the general welfare. But given proper circumstances, his individual rights will prevail even over the rights of the State. That wall may never be broken down."—From an article titled "Civil Servants," by George A. Kelly which appeared in *The Commonweal* of May 9, 1947.

called toleration, which is a sorry, evil substitute for the real thing. Such a treatment requires careful examination into the major foes to religious freedom, which are the totalitarian state; the state with an established religion; and the state dominated by a politically-minded church, wherever found. The question cannot be treated adequately without facing up to the modern challenge to democracy from which religious liberty stems. We must also confront the anxious fear for national unity in any country where full religious liberty is allowed. Finally, in addition to other related matters, we must discover or devise a winning strategy, for if eternal vigilance is the price of liberty, we are forcibly reminded on all hands that religious liberty is not something that just happens. It can come into being and be maintained on a secure basis only by wise and diligent effort guided by sound policy.

Nor can we encompass freedom in a definition. It is only as we return to Jesus that we can learn its true meaning. We must seek a true exposition of what Jesus taught concerning the real road to freedom. The ultimate experience and expression of freedom must be found in Jesus' way. We may try all the ways, but at long last we shall know they are all inadequate or false, and then we shall be glad to follow in His way.

III

Eager, longing hearts ask, When shall religious liberty prevail in a world that is one? An assured answer is not forthcoming at the moment. We do believe that if the United Nations, or any organization for world government succeeds, there will be a new birth of freedom in which religious liberty will have a chance as never before.² Certainly the United States cannot let religious liberty die. For twenty-five centuries the struggle against state power and priest control has held on, but everywhere the spirit of high adventure joined with strong faith now seems better equipped to battle the age-old foes with prospect of victory. Acute problems remain to be solved. Among these problems with which we shall have to grapple will be the right relation between church and state, the rights

²The key sentence in the United Nations Charter is the promotion of human rights "without distinction as to race, sex, language, or religion." The proposed Bill of Rights further defines as follows: "Every person has the right of freedom of conscience and belief and freedom of religious association."

of the individual conscience before the demands of the state in times of war and peace, the rights of minorities always, the relation of the church to public education and of the state to religious education, and the wide problem of extension of a given religion, as Christianity, to other countries than those in which it predominates. We can only trust in the potentialities of mankind, awakened by the vitalizing airs now blowing over the world, under the moral control of the Eternal.

IV

In any approach to this subject, whether in word or in deed, it is to be insisted that all must be scrupulously fair. "He that would make his own liberty secure," writes J. L. Bennett, editor of *The Essential American Tradition*, "must guard even his energy from oppression, for if he violates this duty he establishes a precedent which will reach himself." Particularly in protesting state aid to others' church institutions, it behooves those who complain in the name of separation of church and state to maintain utter consistency by declining either to apply for, or to receive state aid for, their own institutions. This policy, if effective, to be sure, requires constant and careful education of the people in the principles which underlie the contentions of the zealous advocates of religious liberty. It means that religious liberty is won by the hard way. Only by adequate cultivation of knowledge and conviction in respect to the subject can we expect to have an intelligent public opinion, or in the hours of decision to have right interpretation and execution on the part of church and state. We should not wait for a crisis amid deplorable conditions before undertaking to awaken and inform the people concerning a matter so important to their welfare.

While observing true ethics and equity toward opponents in the great warfare waged for religious liberty, truth compels complete candor and critical analysis of the enemy's proposals and policies. In the strife with entrenched falsehood, battles are not won with soft, sentimental weapons. It is a task for "combined operation." The soldier of the righteous cause will not be terrified by strident charges of bigotry and intolerance hurled at him. He will stand up against all comers to give a reason for the faith that is in him. The defenders and extenders of religious liberty who cry, "Give us this freedom now" can win only by a passionate militancy.

But who would not a hero be
In this the noblest chivalry?

To Become Indifferent to Religious
Liberty Is to Begin to Lose It

Steps Toward Union of Church and State

Through Area of Public Education

By L. R. RASMUSSEN*

EVERY LIBERTY-LOVING AMERICAN who cherishes the great principle of the separation of church and state should be greatly alarmed over the steps that are now being taken in these United States to unite church and state in the area of public education.

One of the strongest forces of the state or of the church is the power of education. In America attempts are being made, presumably for better and equal educational opportunities, which, if allowed to go unchecked, will obliterate the wall of separation built up by the First Amendment of the Constitution between religious and civil authority. One attempt would introduce the teaching of religion in public tax-supported schools. The other would obtain Federal and local State public tax funds for the aid and support of sectarian schools.

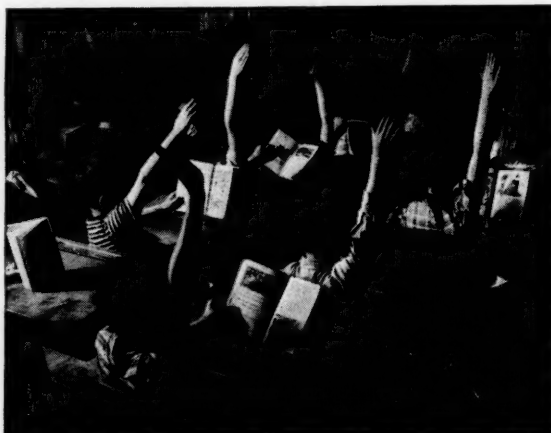
Let us, as American citizens, examine these two issues. Can it be that these two seemingly simple issues which have already gained in momentum could jeopardize the freedom of public free education as well as the freedom enjoyed by private religious schools? Either of them could bring to bear on the one hand the interference of the state in matters of religious education and religious schools which belong to the church alone, or on the other hand, could bring the interference of the church in matters of public education which belongs to the state alone. One is as intolerable to the American way of life as the other. No issue in the public mind has brought about such heated debate and opposition from the opposing factors. It has brought in not only division in the laity and among the church people but also bitter resentment in the ranks of public administrators and educators.

To show how sharp this issue has become, on March 1 to 5 of this year the American Association of School Administrators, a subsidiary organization of the National Education Association, met in Atlantic City, New Jersey. It was estimated that there were present at this meeting 10,000 educators from all parts of America. The most sharply controversial session of the entire convention was held when the topic on "Spiritual Values in Education" was considered. On the panel were three outstanding American educators:

Dr. John L. Childs, of the Teachers' College, Columbia University; Msgr. Frederick G. Hochwald, director of education, National Catholic Welfare Conference; and Dr. Vierling Kersey, superintendent of schools in Los Angeles. Quoting from *The New York Times* of Thursday, March 6, 1947, we find such statements as these regarding this meeting: "Religious attack stirs educators"; "Catholic Church is accused by Dr. Childs of hampering Federal aid program"; "Dr. John L. Childs of Teachers' College, Columbia University, attacked today the Catholic position on Federal aid to education and by inference accused the Catholic Church of weakening the nation's public school system. . . .

"In his talk, Dr. Childs declared that public school education was the basis of a democratic government. Any weakening of the public schools, he insisted, was harmful to American democracy. However, he said, the Catholics, more than any other group, had evolved a system of education of their own, thus creating a 'second system.'

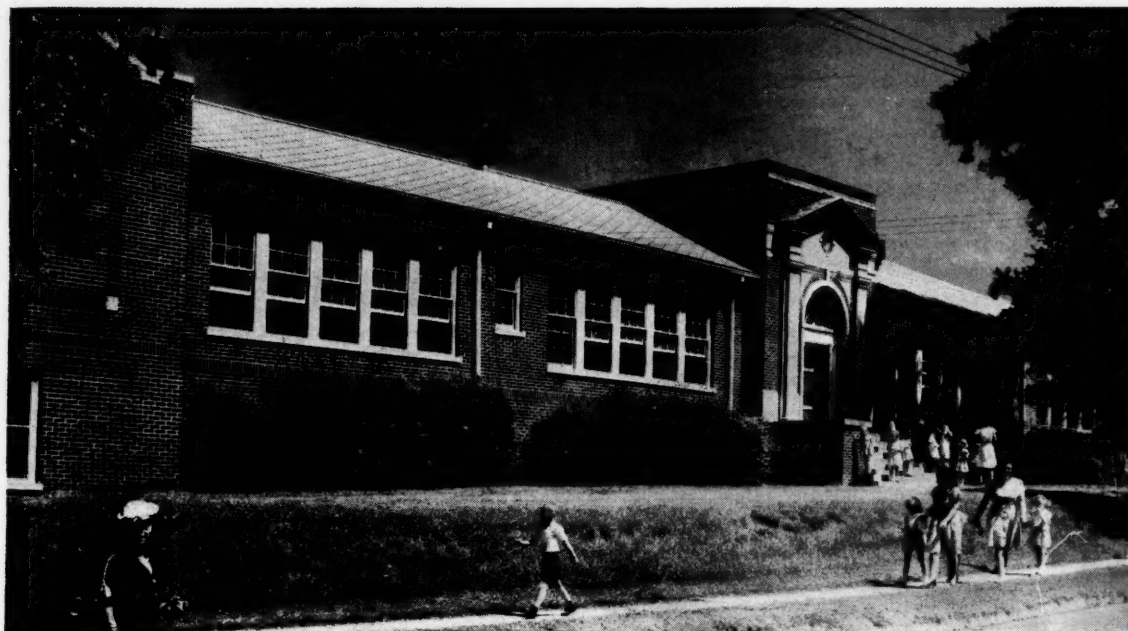
"'Today this burden of maintaining a second system of parochial schools grows heavier,' Dr. Childs declared. 'As a result, we are met with an ever more insistent demand that public funds be given to these parochial schools. Indeed, as one who has been intimately associated with labor and political movements in our country, I can report that many are now convinced that we shall never get a Federal aid bill passed



H. M. LAMBERT

The Public Schools of America Provide Secular Education for Children of All Faiths

* (Mr. Rasmussen is an educator and college administrator of long experience.—EDITORS.)



EWING GALLOWAY

**The Teaching of Religion Is the Duty and Privilege of the Parents, the Church, and the Church School;
It Is Not the Prerogative of the State School**

unless it provides that the funds appropriated by the Government be made available to these private, religious schools, as well as to the public schools.

"Now this is a highly doubtful situation for a minority—even a religious minority—to allow to come to pass. It means, in effect, that unless the demands of a minority are met, that minority will unite with reactionary and financially selfish groups to block Federal support for the public schools.

"I know that many devout Catholics are profoundly disturbed about this present tendency. I also know that many of them, on the basis of their own first-hand experiences as children and teachers in the public schools, would be happy were their church to put its strength behind the public school movement. They fear, as do many others, that if these sectarian pressures continue, serious religious cleavages may come to divide and embitter the American people."

During the discussion period which followed this address the audience appeared to be very definitely divided on the issue. Again quoting from the *New York Times*: "After the heated session, which lasted nearly three hours, Msgr. Hochwald, who remained unruffled throughout, told reporters that the Catholic Church was in favor of Federal aid if given to all children alike, regardless of the type of school they attend.

"The Catholic Church," he said, "only opposes aid that discriminates against any class of children."

"To this Dr. Childs commented: 'I'm not in favor of funds of the State or Federal Government going to

any private school, including those of the churches. That does not mean that the Federal Government might not do certain things for all people, irrespective of religious preferences.'"

This issue touches the very foundation of our democracy. Almost everyone would agree that if we are to have a strong democracy we must have a strong democratic education. Indeed, as education goes, so goes the world. The civilization of tomorrow rests in the hands of the educators of today. Therefore, we have in the classrooms the most priceless heritage and also the most powerful agency in the world. Is it not possible for both sides to gain by allowing the church to give sole support to religious instruction in religious, privately supported schools, and to allow the state to have complete control of the state public schools?

Let us take the first issue, the introduction of religious education into the public school. This is not a new proposal, but it has been given new emphasis of late. The public school is a product of the state, supported by the state, directed and supervised by the state, and controlled by the state. To introduce religion into the public schools would be to give into the hands of the state the supervision and control of the type of religion which is to be taught. It would mean to leave to a large degree to the teacher or to the administrator who might belong to the Roman Catholic, the Protestant, or the Jewish faith the privilege of bringing to the children under his charge the religious beliefs and teachings deemed best fitted to mold the

minds of the youth according to his particular creed without respect to the beliefs and church affiliations of the children and their parents. To be able to teach, without division, trouble, or difficulty, one religion in the public schools, must mean to have only one church and one creed and one religion outside the schools. This is not in keeping with our democratic way of life.

The practice of teaching religion in the public school would reach down into every State, school, district, and system; to every school board; into every school room, and from there into every home in America, and would stir up the most bitter religious ill feeling and strife this country has ever seen.

The public school is supported by all the people and must serve all the people, whether they be Catholics, Protestants, Mohammedans, Jews, atheists, non-believers, or the members of any other faith or no faith at all. The teachers may be members of any one of these faiths or of no faith at all. If we are to hold that religion is to be taught in the public schools for the benefit of the students, what religion is to be taught? Shall we assume that it is the Christian religion of the Bible? Then all teachers should be Bible Christians; otherwise they would be forced to read or teach that which they themselves do not believe. To be more specific, would the science teacher who did not believe in the story of creation as recorded in the first chapter of Genesis be compelled to read and teach the story of creation as taking place in six days?

Some may contend that the Bible should be read without comment. As any school man would contend, that is not the way we teach. What interpretation would a Roman Catholic teacher give to a passage of Scripture, when asked by some bright Sunday school boy or girl for an explanation? What interpretation would be given by the Protestant teacher, Baptist, Lutheran, Episcopalian, or Seventh-day Adventist? What explanation would be given by a teacher of the Jewish faith? What would the unbelieving teacher do? The Roman Catholic parent has a right to demand that in a tax-supported school his child will not be taught and indoctrinated by Protestant teachings and teachers. The Jewish parent, the Protestant, the atheist, the Mohammedan, has the same right to demand that during five days of the week his child will not be taught teachings and beliefs contrary to what is taught in his church on his holy day.

Religion of any kind, whether one believes it to be good or bad, is not to be promulgated by public servants paid by public funds in public tax-supported institutions. Religion is a matter of *the individual, the home, the church*. If it be contended that there should be more religious instruction, let the home and the church assume the responsibility and not ask the state to do what they have failed to do. We do not want a

state religion in America. We do not want a tax-supported religion in our public schools. Thomas Jefferson, in writing the preamble to the famous "Act for Establishing Religious Freedom," eloquently stated that "to compel a man to furnish contributions of money for the propagations of opinions which he disbelieves, is sinful and tyrannical." James Madison also argued that true religion does not need the support of law; that no person, believer or nonbeliever, should be taxed to support a religious institution or religious teachings of any kind. How then can we tax a man to support a public school that teaches the Bible religion that he does not believe?

Let the state and the church be forever kept separate in matters of education. Let the public school and religious teachings be kept forever separate. Let the home and the church shoulder their God-given responsibility of giving to the American youth religious and spiritual counsel and instruction, and not call upon the state to introduce religious teaching into the public tax-supported schools. Let the religious groups who are conducting their own parochial schools support them from their own finances. The moment the state gives financial aid to these private schools, it must also be given the right to regulate them.

The second issue is that of using public tax funds for the support of private parochial church schools. Few would deny the premise that to give financial aid, or support, to a church school is rendering financial aid and support to the church. Mr. Justice Jackson in his dissent in the opinion of the Supreme Court of the United States on February 10, 1947, in the case of *Arch R. Everson v. The Board of Education of the Township of Ewing, et al.*, put the matter in a very clear and forceful way when he stated: "I should be surprised if any Catholic would deny that the parochial school is a vital, if not the most vital, part of the Roman Catholic Church. If put to the choice, that venerable institution, I should expect, would forego its whole service for mature persons before it would give up education of the young, and it would be a wise choice. Its growth and cohesion, discipline and loyalty, spring from its schools. Catholic education is the rock on which the whole structure rests, and to render tax aid to its Church school is indistinguishable to me from rendering the same aid to the Church itself."

The close relationship of education and religion, of church and school, has been the dominant idea behind the schools established by the Roman Catholic Church. It has ever held that to successfully educate and indoctrinate its children in spiritual matters, it must undertake also their general education and development. Religion was not a subject to be taught in addition to the others, but was to pervade and permeate all education. Thus the school is a most vital

part of the program of the Catholic Church, and any support and aid to the Catholic schools is a direct aid to the Catholic Church. Therefore, in using tax funds to support the religious school, we are using tax funds to support the church to which the school belongs.

The same position must be held when it comes to aiding Protestant church schools. In the preface to the book *Lutheran Elementary Schools in the United States*, by Walter H. Beck, the author makes the following statement: "As the Missouri Synod at this time is privileged to look back upon humble origins a century ago and view with warranted satisfaction its phenomenal growth from that time to the present, it must and will point to its extensive parochial school system as one of the major factors which contributed largely to its external growth as well as to its internal strengthening and which made it a body ever uniformly confessional in its doctrinal position, consecrated in its policies and practices, militant in its program, and thorough-going in its actions."

The writer would not condemn either the Catholic Church, or the Protestant Lutheran Church for holding to the position that their parochial schools are a

fundamental part of their church program, for what aids in the advancement of the school aids in the advancement of the church. Would anyone deny that in giving financial aid to a Catholic or Protestant or Jewish school we are aiding and supporting in a very direct way the church's program? It has been a fundamental doctrine in this democracy "that no man shall be compelled to frequent or support any religious worship." Shall we now change our historical position? Shall we use public tax funds to support the education and indoctrination of children in private church schools? As an American citizen and an educator, I say, Let us forever keep the church and state separate in matters of education. Let the state assume all financial support for our public schools. Let the church assume all the financial support for their own church schools, whether it be for transportation, textbooks, teachers' salaries, or buildings. The "establishment of religion" clause of the First Amendment means that the state cannot consistently contribute tax-raised funds to support any institution which teaches the tenets of any church. All experience proves the wisdom of this prohibition.

State Contributions to Religious Charitable Institutions?

Can They Be Justified?

By C. E. CROSLAND

WHAT HAPPENED ON May 6, 1947, is interesting history. It is certainly current history—not 1847 and not 1747. On that day I was called into a meeting of the board of trustees of an old and honorable sectarian institution that is devoted to a fine charitable work. For half a century this institution has been owned and operated by a religious denomination generally classified as Protestant, although many of its adherents deny this descriptive title.

Other business (for which the meeting was really called) having been completed, the interesting question was presented.

Comparatively recently it has come to general knowledge that this worthy institution has been receiving monthly remittances of \$30 from the public funds of a county in which the institution is not lo-

15c a day to YOU
INDIRECTLY

That is all wrong

\$1 a day to ME
DIRECTLY

That is all right

cated but which is a part of the territory that it serves.

Fifteen years ago times were hard. There were many poor and needy people. Charitable institutions were burdened, struggling with their capacity overloaded.

Under those circumstances this institution undertook to care for certain needy persons at the request of the officials of a county two counties away.*

At the time there was located within the county a similar non-sectarian institution doing the same

work. Why the sectarian institution a hundred miles distant was used is not now clear. But anyway, the county's wards were placed with the more distant sectarian institution, and an arrangement was made between the county's officials and the institution's officials that the former would make monthly

payments to the latter for part or all the expense for care and maintenance of these county wards. Whether these payments were requested by the institution's management or were offered by the county's management is also not now known.

In any event, the monthly remittances of \$30 were continued on and on. The administrations of the institution and of the county changed, but the remittances continued. The designated wards grew up and moved out of the institution, but the remittances continued. The institution recovered its financial balance and became relatively prosperous, but the remittances continued. They became routine budgeted items, the original definite objects being unknown. Fifteen years went by.

Some months ago these remittances came to the attention of a citizen who believed that the arrangement was a violation of the principle of the complete separation of church funds and state funds.

The remittances were challenged. Both the county officials and the institution officials moved to terminate the monthly checks—promptly and with some haste on each side!

The question then arose: "Was terminating the remittances sufficient correction of the mistake that had been made? Or, was restitution necessary to make a complete correction?"

The meeting of the trustees was not called to consider this question specifically, but the item was presented and discussed.

The trustees passed no resolutions and therefore cannot be said to have taken any official action. The matter was probably not entered in the minutes. It was not mentioned in newspaper accounts of the meeting. But the discussion was lively, to put it mildly, and a recording of it is pertinent to the cause of separation of church and state, if indeed that principle is involved in the whole transaction.

The visitor to the meeting pointed out:

That the Florida State Constitution says, "And no money shall ever be taken from the public treasury, directly or indirectly, in aid of any church, sect or religious denomination, or in aid of any sectarian institution." That the trustees now have a liquid surplus of \$175,000 above all contractual engagements. That in the last calendar year the institution received in cash donations some \$62,000 more than it expended for all purposes, and that this included the \$360 from the county in question. That restitution is a New Testament specification to accompany true repentance.

The trustees variously and individually pointed out:

That they had repented and that was sufficient. That the money in question had already been spent. That the institution had given to the county full value

received. That they had no funds they could touch to make restitution. That to make repayment would be taking bread out of hungry mouths. That such public payments were being made everywhere else. And especially, that regardless of any law or court decision, it was perfectly all right for the county to elect to use a church institution to fulfill its obligations to needy persons. That there could be no friendly test suit on the case, as any attempt to recover the funds for the taxpayers would be unkind and unchristian, and would curtail future donations from the institution's supporters.

Naturally, the recent and much misunderstood and misquoted United States Supreme Court decision in the Everson case from New Jersey came into the discussion.

It was pointed out that the Constitution of New Jersey contains no prohibition of even *direct* payments to sectarian institutions, much less to prohibit indirect payments. That the New Jersey case touched on monies paid to *parent-citizens* and not to the parochial schools involved. That the Florida circumstances covered public payments *direct to the church-owned institution for its own discretionary uses*.

Did the afternoon's discussion terminate conclusively or inconclusively?

Anyway, it closed with those trustees who spoke saying that no "restitution" was possible or desirable. That they would resist *strenuously* any attempt to collect the money in behalf of the county or its taxpayers.

Here is another example of a constitutional prohibition which carries no penalty for its violation. Apparently neither the officials who appropriate nor the religious recipients of funds given contrary to law are subject to criminal prosecution in such a case as is cited.

Both the Federal Government and the States have ways of recovering funds and punishing law violators where monies are assigned improperly for secular purposes.

With the increasing number of transgressions in the use of public funds for the benefit of sectarian institutions, not in one State, but in several, it is time that legislatures provide penalties for such violations. Only thus can the practice be stopped.

The evil is cumulative. What has been done becomes the authority for doing more. An occasional instance is used as a precedent for other cases. Before it is realized by most folks there is an established usage.

It is time for violations of constitutions to be punished by the imposition of definite penalties.

*We know the names of the county and the institution referred to, but do not give them here because we are only dealing with a principle. The evil would be as great if others did the same thing.
—EDITORS.



Thomas Jefferson Labored Long and Hard to Secure for His State and the Nation, Those Enactments That Have Guaranteed Both Civil and Religious Liberty

The Struggle for Religious Liberty in Virginia

By C. S. LONGACRE

THOMAS JEFFERSON said that the nine-year struggle leading to the passage of the "Bill Establishing Religious Freedom in Virginia" was the severest contest in which he ever was engaged. After he had written the Declaration of Independence, which was adopted by the thirteen original colonies, July 4, 1776, declaring themselves free and independent from the sovereignty of Great Britain, Jefferson endeavored to effect the disestablishment of the Episcopal Church, of which he was a member, as the state religion of Virginia. He introduced into the Virginia Assembly a bill which aimed to sweep away the whole structure of restraint and monopoly under a state religion, and to establish perfect liberty of conscience and opinion in religious matters for the individual, by a simple enactment of a half dozen lines:

"No man shall be compelled to frequent or support any religious worship, ministry, or place whatsoever; nor shall be enforced, restrained, molested, or burdened in his body or goods; nor shall otherwise suffer on account of his religious opinions or belief; but all men shall be free to profess, and by argument to maintain, their opinions in matters of religion; and the same shall in nowise diminish, enlarge, or affect their civil capacities."

This bill was hotly debated, and, as Jefferson stated, "desperate contests continued almost daily from the

eleventh of October [1776] to the fifth of December." After this heated contest of nearly two months the Virginia Assembly passed a law on December 6 repealing all the colonial laws and penalties prejudicial to dissenters and nonconformists, releasing them from any further compulsory contributions to the Episcopal Church and denying the state the right to use the tax money of the people for the support of the Episcopal clergy after January 1, 1777.

Since the Episcopal Church had been the state church of Virginia from the beginning of the colony, it was only natural for the Episcopalian clergy to plead for the continuation of some kind of financial support from the state, as the Episcopalians were not as yet accustomed to paying their own clergy by their contributions and gifts. After the Episcopal Church was deprived of state support, an act was proposed to the General Assembly to levy a general tax for the support of "teachers of the Christian religion," as a substitute for the support of one church. In this new plan the Episcopalianes were joined by the Methodists, to the chagrin of the Baptists, Presbyterians, and Quakers. To the next assembly petitions were sent by the Episcopalianes and by the Methodists, pleading for the general assessment, and to have tax funds allocated to each sect in the same proportion as it contributed to the general tax fund. In other words, the State of

Virginia was to levy a tax for the support of the clergy of every sect.

But the Baptists, the Presbyterians, and the Quakers presented strong memorials to the General Assembly, remonstrating "against a general assessment for any religious purpose." They argued that the legislature had no rightful authority over the ministers of the gospel in the exercise of their sacred office, and if the legislature appropriated the tax funds of the people it had the right to determine to whom it should be paid, and who had a right to preach the gospel, as under "the old establishment," and to impose any "regulations and restrictions upon religious societies that they may judge expedient." These opponents said, "These consequences are so plain as not to be denied, and they are so entirely subversive of religious liberty that if they should take place in Virginia we should be reduced to the melancholy necessity of saying with the apostles in like cases, 'Judge ye whether it is best to obey God or men,' and also of acting as they acted."

This bill for general assessment was defeated in 1779 even after it had been ordered to the third reading.

Immediately after this bill was defeated, Jefferson prepared with his own hand and proposed to the General Assembly for adoption "as a part of the Revised Code" of Virginia, "An Act for Establishing Religious Freedom." This was adopted by the House in December, 1785, and by the Senate on the 16th of January, 1786. The Assembly enacted the very words of the original draft by Jefferson, "with the hope that they would endure forever." The act might have been passed earlier but for the fact that the war for independence took precedence over everything else.

As soon as the Revolutionary War was concluded, the subject was again forced upon the General Assembly in the fall of 1784 by the petitions of those who urged a general assessment to pay "teachers of the Christian religion." Patrick Henry introduced a bill for this purpose.

"Their petitions, favored by Patrick Henry; Harrison, then governor; Pendleton, the chancellor; Richard Henry Lee, and many others of the foremost men, alleged a decay of public morals; and the remedy asked for was a general assessment."—BANCROFT, *History of Constitution*, vol. 1, p. 213.

"Madison, in a remonstrance addressed to the Legislature, embodied all that could be said against the compulsory maintenance of Christianity, and in behalf of religious freedom as a natural right, the glory of Christianity itself, the surest method of supporting religion, and the only way to produce harmony among its several sects."—*Ibid.*, p. 215.

This remarkable "remonstrance" which "embodied all that could be said" against giving state aid to reli-

gious institutions, should be engraved upon a monument in every city, town, and village in letters so plain that he who runs can read it. It needs to be indelibly impressed in the minds of the American people today, because there are similar bills now pending before Congress and State legislatures to grant hundreds of millions of dollars of the general tax funds for the support of religious institutions and religious teachers.

Although this Remonstrance and the General Assessment Bill for the support of religious teachers were circulated among the people, Washington, who had at first favored the bill, was asked his opinion on the question, and he it said to his credit, he changed his mind and answered, "As the matter now stands, I wish an assessment had never been agitated; and, as it has gone so far, that the bill could die an easy death."—*Ibid.*, p. 215.

After the Remonstrance and the General Assessment Bill had been placed in practically every home in Virginia and thoroughly discussed, the will of the people on this subject was made so overwhelmingly emphatic in opposition that "when the Legislature of Virginia assembled, no person was willing to bring forward the Assessment Bill; and it was never heard of more."—*Ibid.*, p. 216.

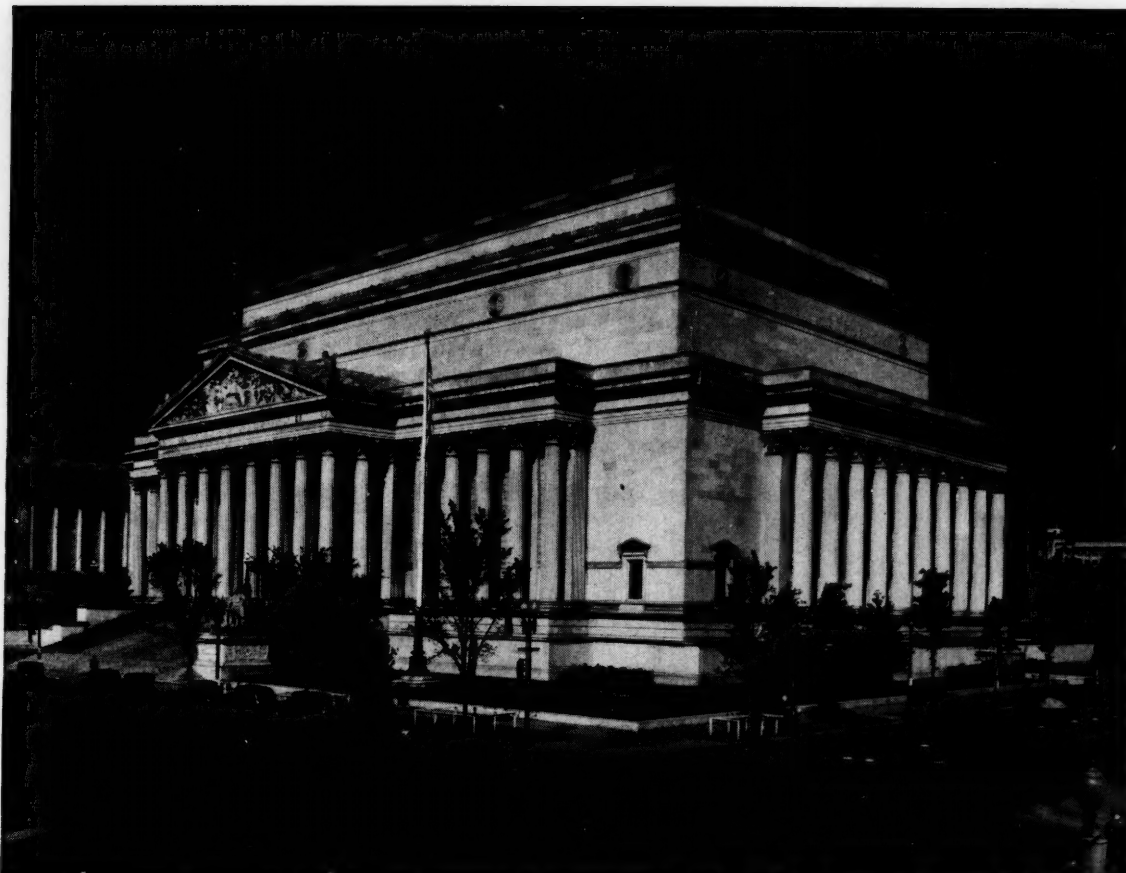
Madison immediately substituted the Jeffersonian "Act for Establishing Religious Freedom," and it was finally enacted by both Houses, January 16, 1786, which not only forbade all financial aid to religious institutions but granted the free exercise of religious opinions or beliefs as "the natural rights of mankind," without state regulation or interference. Madison exultingly exclaimed after the passage of the Act of Religious Freedom, "Thus in Virginia was extinguished forever the ambitious hope of making laws for the human mind."—*Ibid.* And as a result "in every other American State oppressive statutes concerning religion fell into disuse, and were gradually repealed."—*Ibid.*

The recent decision of the Supreme Court of the United States in justifying the use of tax funds for the benefit of Catholic parochial schools over the protest of a taxpayer of New Jersey, has set a most dangerous legal precedent. Unless that un-American decision is reversed and tax funds are excluded from religious uses, America will soon discover that our Supreme Court has opened a veritable Pandora box of human ills from which even hope has escaped.

Every red-blooded American needs to raise his voice as did the American patriots of Virginia against this crucifixion of American ideals.

INTOLERANCE, prejudice, and bigotry place all fundamental rights and liberties of the individual at the mercy of passion, anarchy, and violence.

LIBERTY, 1947



NATIONAL ARCHIVES

The National Archives Building in Washington, D.C., is One of the Finest Structures of Its Kind in the World. This Institution Is Lending Many of Its Most Famous Documents for Use on the Freedom Train

Freedom Train to Tour America

American Heritage Foundation to Exhibit Precious Documents

By S. M. HARLAN

FREEDOM! WHAT a word to contemplate. What memories of past events it brings to mind. The great mass of human kind scarcely know what liberty means. True, some few nations have enjoyed its privileges in a somewhat limited degree, but only in America have its blessings been known in so full a measure.

This boon to happiness is the result of the type of government adopted by our founding fathers. They had learned by bitter experience the tyranny of the Old World with its disregard for the rights of man. Here, on virgin soil, they determined to set up a new nation and founded it upon principles which would recognize the inherent civil and religious rights

of its citizens. Stalwart and brave they were, these men who built America—Washington, Jefferson, Madison, Adams, Franklin, Henry, Mason, and a host of others. Their task was not an easy one when they laid the foundation and built the framework of the new republic.

The citizens of America today are enjoying the fruits of their labors. They have left us a precious heritage in a wealth of priceless documents and records. By law two of the greatest of these are in the custody of the Library of Congress. They are the original Declaration of Independence and the Constitution of the United States of America. One of the

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several copies of the Bill of Rights, as well as many other important papers, is housed there. The National Archives Building in Washington preserves for posterity the great majority of the rest of these most valuable records. Visitors by the thousands find their way to these two imposing government buildings to view for themselves these records of the past.

In order that those other Americans not privileged to visit their capital city may see with their own eyes these impressive American documents, an intensive educational campaign has been inaugurated. Under the leadership of the Attorney General of the United States, the Honorable Tom C. Clark, a program of enlightenment will be carried on against the forces that seek to undermine and discredit the American system of government. Though the project will be sponsored by the Government through the Justice Department, it will not be aided by Federal funds.

Patriotic American citizens have legally formed an organization which is carrying on the project through privately solicited funds. This association is known as The American Heritage Foundation. The value of voluntary services of all kinds for this worthy enterprise will total many millions of dollars. This campaign will endeavor to dramatize the American way of life through the traveling exhibition of the most extensive collection of original American documents ever assembled. A special train of railway cars is being reconstructed and designed for this purpose. Several of these cars are being contributed

by the Pennsylvania Railroad for the duration of the tour. It will visit various cities in all the forty-eight States. The trip probably will take a whole year. Thus the home towns of millions of Americans will have the privilege of viewing this priceless lore.

The policy and administration of this enterprise will be strictly nonpartisan; the undertaking, thereby, will be a truly educational and beneficial one.

The press will do its part, we are sure, in bringing to the people, an account, from time to time, of this unique tour. Likewise, we understand, the radio will seek to dramatize some of the interesting human stories connected with these documents. It is hoped that in this way the citizenry will become more keenly conscious of the principles and ideals of their country.

Every precaution will be taken to protect and preserve these historic papers. The cars will be fire-proofed as well as air-conditioned. The documents will be mounted in specially designed cases. Protective lighting will be installed. The Marine Corps will furnish the guard. Three cars will house the documents. Three or four cars will carry the personnel. The train is expected to begin its trip on Constitution Day, September 17, from the city of Philadelphia. It will doubtless be the longest tour in the history of American railroading.

Visit the Freedom Train when it comes to your State. May it brighten the flame of your patriotism and devotion to your country and make you proud to say, "I am an American."



EWING GALLOWAY

The Original Documents, the Declaration of Independence, and the Constitution of the United States, Are Enshrined in This Building, the Library of Congress. True Copies of These Valued Documents Will Be Used on the Freedom Train



EWING GALLOWAY

The Concern Felt by Many Distinguished Americans on This Controversial School-Bus Issue Is Reflected in Part by the Forceful Editorials Below

Forceful Editorial Comment By Some Well-known Journals

On the New Jersey School Bus Case

THE LEADING NEWSPAPERS of our country are generally conceded to be fair in their news coverage of daily events. Many of them are distinguished also for the clarity and forcefulness of their editorial comments.

We offer the editorial opinion of a number of the country's well-known journals concerning the Supreme Court decision in the New Jersey school bus case.

While no editor worthy of his profession would lay claim to infallibility, or treat with contempt the honest opinions of those who disagree with him, we think that the abilities of those we quote demand a careful consideration of their opinions. None can be charged with prejudice or bias. They have written as patriots. Further, they must be credited with deep conviction, for usually controversial subjects are not treated editorially unless they clearly involve principles, and to keep silent would mark them recreant to their high duties.

THIRD QUARTER

Chicago Daily Tribune

A lawsuit over a few hundred dollars appropriated by a New Jersey township to pay bus fares of children going to a parochial school has given the Supreme court an opportunity to examine the whole question of the separation of church and state in America.

By a 5 to 4 vote, the court disallowed a taxpayer's protest against the payment. We think the decision was an unfortunate one. We believe, with the minority of the court, that the line between church and state should be strictly drawn and that this strictness will, in the long run, redound to the benefit of religious organizations and the preservation of religious freedom.

Ewing township, which apparently is a rural community near Trenton, N.J., appropriated money to reimburse parents for their children's fares on public buses going to and from school. The township appropriation resolution authorized appropriations only to

parents of public and Catholic school students. The majority of the court chose, in the absence of any contrary evidence, to assume that the specification of Catholic pupils arose from the fact that they were the only ones in the township who did not attend public schools.

The majority then went on to emphasize the traditional American policy embodied in the 1st amendment to the Constitution, which forbids Congress to make any law "respecting an establishment of religion or prohibiting the free exercise thereof." The 14th amendment, of course, extends this prohibition against state governments and their local subdivisions.

The court held, however, that in providing bus fare the township was engaging in a public welfare service, and that to deny this to students in parochial schools would constitute a discrimination against them because of their religion.

The minority replied that the cost of transportation is only one, but an important one, among the general costs of education, and that if the court should sanction the use of public funds to transport pupils to parochial schools, the same arguments could be used to justify the use of public funds to build, staff, and maintain those schools.

The minority justices traced the history of religious freedom in America. The founding fathers, having seen and studied the effects of the state establishment or subsidization of religion and the persecution of dissenters, decided on a separation of church and state that would be wide and complete. Only thus, it was argued, could complete religious liberty be assured every citizen.

"It was intended not only to keep the states' hands out of religion, but to keep religion's hands off the state, and, above all, to keep bitter religious controversy out of public life by denying to every denomination any advantage from getting control of public policy or the public purse," said Mr. Justice Jackson in his separate dissenting opinion.

"This policy of our federal Constitution has never been wholly pleasing to most religious groups. They are all quick to invoke its protections; they are all irked when they feel its restraint. This court has gone a long way, if not an unreasonable way, to hold that public business of such paramount importance as maintenance of public order, protection of the privacy of the home, and taxation may not be pursued by a state in a way that even indirectly will interfere with religious proselyting.

"But we cannot have it both ways. Religious teaching cannot be a private affair when the state seeks to impose regulations which infringe on it indirectly, and a public affair when it comes to taxing citizens of one faith to aid another, or those of no faith to aid all."

As we said recently, in connection with the controversy over religious instruction in the schools of Champaign, Ill., the teaching of religion should be encouraged in every way so long as it is carried out by the citizen himself in his home or thru his church. It is not a matter with which any public body can safely concern itself, however indirectly.—February 13, 1947.

Washington Evening Star

Supreme Court Justice Rutledge was hardly exaggerating the situation when, in dissenting from the majority decision in the New Jersey parochial school controversy, he commented that "this is not just a little case over bus fares." It may have been scarcely more than that to the township of Ewing, N. J., when its school board decided to pay the bus fares of pupils attending Catholic as well as public schools of the county, but the courts have lifted the case from obscurity. It has revived issues that go back to the days of Madison, Jefferson and other architects of the constitutional wall between church and state.

The diversity and vigor of the court opinions evoked during the course of the litigation are indicative of the explosiveness of the issues involved. The New Jersey Supreme Court by a two-to-one vote ruled that the statute and resolution permitting payment of Catholic school students' fares are invalid. The Court of Errors and Appeals, by a six-to-three vote, reversed that decision. And now the Supreme Court, by a five-to-four division, has upheld the New Jersey law and the township action under it.

The majority opinion, delivered by Justice Black, was just as insistent as the dissenting opinions of Justices Rutledge, Jackson, Frankfurter and Burton in upholding the historic American "cornerstone" of separation of church and state. But Justice Black and his group saw no conflict between this concept and the fare reimbursement granted pupils of Catholic schools. (The township resolution specified Catholic schools and the State law prohibits fare benefits to children attending private schools operated for profit.) The majority implicitly conceded, however, that the New Jersey has neared "the verge" of its power, just short of infringing on the Constitution's ban on legislation "respecting an establishment of religion."

In the view of the majority, New Jersey, by using taxpayers' money to transport pupils of Catholic schools (the only private schools in the State so favored), is not aiding the Catholic Church or its schools but the children who attend them. Justice Black held that this was in line with providing police and fire protection to the children. But the dissenters pointed out that Catholic schools are bound to benefit by transportation aid, no less than they would by

any other form of State subsidy; that Catholic schools are "the rock on which the whole (church) structure rests" and that tax aid to a Catholic church school is "indistinguishable" from rendering the same aid to the church itself. As for police and fire protection, Justice Jackson emphasized that these services are rendered not only to Catholic schools but to private schools of all description, whether operated for profit or not.

Much more was said by the judges on both sides of what is admittedly a most debatable question. It is the kind of issue that tends not only to divide high tribunals but men and women generally. As Justice Jackson ruefully remarked, it is an issue that can stir up the very sort of "bitter religious controversy" which our forefathers sought to end through separating church from state. And the unfortunate fact is that the decision opens the way for other claims against the State, not only in New Jersey but elsewhere, that inevitably will lead to further legal disputes, ill-feeling between religious groups and further action by the Supreme Court.—February 14, 1947.

New York, PM

Amidst the turmoil of other matters, Americans have made the mistake of almost ignoring a recent Supreme Court decision which deals with issues so central to our freedom that it towers above many of the fleeting events that are getting the headlines. It is the case of *Everson v. Bd. of Education*, and was decided on Feb. 10. By a five to four vote the Court upholds a New Jersey state law (and also similar laws in New York, Massachusetts, Louisiana, Michigan, Indiana, and Illinois) by which public tax funds can be used to pay for school buses to parochial schools as well as the public schools.

There is no more essential doctrine in the American tradition than the separation of church and state. We have always recognized that this has a double meaning: the state must leave the churches free, but the churches must also be kept away from meddling with the state, and especially from using state funds. That doctrine has now been broken, under sufferance from a bare majority of the highest court in the land.

I want to say, in fairness to Justice Black's majority decision, that several times and in the strongest terms it reasserts the doctrine of the separation of state and church. But in its reasoning and its conclusion it legalizes an act whose essence is to give church education the support of the state. As Justice Jackson in his dissent wryly comments: "The undertones of the opinion . . . seem utterly discordant with its conclusion. The case which irresistibly comes to mind as the most fitting precedent is that of Julia who, according to Byron's reports, whispering 'I will ne'er consent'—consented."

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At once the deepest and most brilliant treatment of the whole issue is in Justice Rutledge's long 35-page dissenting opinion. In the decade since Justice Brandeis' resignation from the Court I do not recall an opinion which more satisfyingly combined historical thoroughness, legal acumen and logic, and moral passion. "This is not," writes Justice Rutledge, "just a little case over bus fares." I agree. I think it is a case which—if its direction is followed any further in later cases—will embroil the nation in deadly religious controversies.

Americans suffer from having too easily forgotten how strenuous and costly was the early struggle to lash down the principle of the separation of church and state. The same year that saw the Declaration of Independence—1776—saw also the great Virginia Declaration of Rights, in which James Madison and George Mason joined to assert that religious freedom is not merely something to be *tolerated*, but an *inherent right* of the person. Ten years later, in 1786, Madison led a fight in the Virginia Assembly against a bill to tax Virginians for the support of religious education, wrote his famous *Remonstrance* against it which deserves to be one of the great classics of the American credo, beat the bill, and then succeeding [*sic*] in getting through the Assembly Jefferson's measure banning state support of any church. In 1789 Madison led the fight to add a Bill of Rights to the new U.S. Constitution, and the very first Amendment in that Bill of Rights read as follows: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof."

Where does "the little case over bus fares" fit into this framework?

There is a new tide rising in American thought which has forgotten the tradition of Madison and Jefferson, and which is ready to surrender to an uncritical and mystical demand to bring the state back into education. That movement has two facets. First, it is demanding the introduction of religious teaching into the public schools under the "released time" program. Second, it is looking around for state subsidies for church schools.

Back in 1925 there was an epochal Supreme Court decision, *Pierce v. Society of Sisters*, establishing the right of the Catholics or any other religious sect to maintain their own schools (if they wish and at their own expense) outside the public school system. That was a weighty decision to make in a democracy founded on the community's stake in public education for all, but it was all to the good in the interests of religious freedom. The question now is whether freedom to run sectarian schools also involves the right to use general tax funds for that purpose.

Does the school bus issue involve the First Amendment, forbidding any "law respecting the establish-

ment of a religion"? It does. The purpose of all sectarian education, Justice Rutledge points out, is the propagation of a certain brand of religious belief. The means used are not only teachers and books and classrooms and school equipment, but also transportation. The transport item is, at least in the rural areas, as essential as the teaching item. For the public to pay that out of taxes is as much a support of sectarian education as for the public to pay for teachers.

But, argues Justice Black, the support of school buses by the township or state is like the support of any other measure for the public safety or the public welfare. And the state must be neutral in conferring these benefits on children of various religious groups.

This is the heart of the majority decision, and before Justice Rutledge gets through with it he leaves it a shambles. For, as he points out, the whole purpose of the First Amendment was to *exclude* religion and religious education from the public functions supported by the state. If it is a "public function" to provide religious schools with bus transport then why not also (he argues) provide them with school lunches, payment for teachers, and everything else?

Justice Black at this point assures us that he does not mean to go any further than bus transport, and that this "approaches the verge of the state's power." But I think he will find that the driving forces which have been behind the school bus movement—and which have been strong enough and confusing enough to bemuse such excellent minds as his own and Chief Justice Vinson's and Justice Douglas' and Justice Murphy's and Justice Reed's—will not be content with this victory. They will try to push on.

It will be a disaster if America yields any further to the drive for state support of religious establishments. That way lies social chaos and bigotry and tyranny. For, as Madison pointed out long ago in his *Remonstrance*, the whole point about separating church and state is to take the question of religious education out of politics. Once it is admitted, you get a competition between various sects for state funds and state support and, finally, for state power. Religious controversies are fatal to democracy. The only way to avoid them is to stick to the rigid separation of church and state, and especially of church schools and state funds.

This alone can assure our country of religious liberty. For there is a double price, as Justice Rutledge points out, that we must pay for religious liberty. One is the immense effort to keep the state from interfering in the way a man worships his God. The other is the equally immense effort to keep the churches from using state strength to propagate one particular version of religious truth. Let us never forget that in order to assure religious freedom in the first sense,

you must assure it in the second also. That the road away from one also leads away from the other has been amply shown not only by the religious despotisms in the Europe of Jefferson's day, but also by the even more terrible despotisms in Europe today.—February 20, 1947.

Raleigh, North Carolina, *News and Observer*

In writing the majority (5 to 4) decision of the Supreme Court submarining the constitutional inhibition of church and state, Justice Black also turned his back on this profound statement of Jefferson: "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical." And that is exactly what the Supreme Court compels citizens to do when public school money is used to transport children to a church school. This giving money to a church school to transport its students is a blow at the greatest American institution—the public school—and would make Horace Mann and Charles McIver turn over in their graves. If the subsidy can go to Catholic schools, it can go to all Protestant and other church schools and all private schools. If persisted in, it would annul the Constitution and strike a blow at the public school system, the bulwark of democracy.

Justice Black declared that church and state must be kept separate. He added: "We could not approve the slightest breach." And in the next sentence he did exactly what he declares should not be "breached" by approving public money to support a Catholic school by transporting children to that church school. He said one thing in one sentence and then repudiated it in another, as Justice Jackson pointed out: "We know that such schools are parochial only in name—they, in fact, represent a world-wide and age-old policy of the Roman Catholic Church. . . . Catholic education is the rock on which the whole structure rests, and to render tax aid to its church school is indistinguishable to me from rendering the same aid to the church itself. If the State may aid these religious schools, it may therefore regulate them."

Justice Rutledge, dissenting from an infraction of the most fundamental American principle and policy, wrote a masterly opinion covering 47 pages in which he traced the long struggle by which the separation of church and state had been won.

He said:

"No more unjust nor discriminatory in fact is it to deny attendants at religious schools the cost of their transportation than it is to deny them tuitions, sustenance for their teachers, or any other expense which others receive at public cost."

That 5 to 4 revolutionary decision will not stand.—February 23, 1947.

Montgomery, Alabama, *The Montgomery Advertiser*

With four justices in sharp dissent, Justice Hugo Black spoke Monday for a Court majority in what may easily go down in history as one of the most important decisions of the decade. Dealing with use of public tax money indirectly for the support of non-public schools, the ruling has implications far more profound than the bare facts would seem to warrant.

Briefly, the decision constitutes a new interpretation of the First Amendment to the Constitution which states, among other things, that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Actually the Court decision held only that public tax money may legally be used to pay transportation of pupils to parochial as well as public schools.

The possible attitude of millions of Protestants toward the decision is indicated by the forebodings of Dr. Louis D. Newton, President of the Southern Baptist Convention, who was present and declared that the decision is nothing less than a "dark shadow . . . to darken the torch of religious liberty."

Heretofore the general interpretation of the First Amendment has been that any use of public monies to support church and parochial schools would constitute an effort toward the "establishment of religion." This interpretation has operated to prevent the use of public tax money in support of all except public schools.

Justice Black's view, shared (5-4) by the Court majority, is that provisions for transporting children to school are social in intent and nature, and that no child can be denied the benefits of such legislation simply because he or his parents hold any particular religious creed.

The implication for Alabama and all the states is that a legal basis has been provided for school buses, bought and operated by public money for the transportation of children to the public schools, to be used for transporting children to denominational and parochial schools.

By logical extension, too, it is possible to foresee the day when such schools may be in part supported by tax money on the theory that educating children—not the inculcation of religious creed or dogma—is the primary purpose of schools, whether public or parochial.

The *Advertiser* sees in this decision a grievous and incredible error. We do not desire to see public money going into Catholic, Baptist, Methodist, or any other variety of non-public schools.

It is patently absurd to argue that schools are set up by religious groups merely for education, and not as a means of preaching their particular religion. If

these schools have no religious implications, why do their denominational adherents put money into them? Why do they not instead make use of the public schools?

This is a monstrous decision. Its profound social and political implications will reverberate for many a day.—February 13, 1947.

St. Louis Post Dispatch

If it were a unique and isolated instance, the Supreme Court decision in the New Jersey parochial school case might attract little attention. But this decision will not rest on some remote judicial plane. It lends abrupt support to an increasing and subtle encroachment on separation of church and state.

By the thin margin of five to four, the court held that New Jersey could use public school funds to pay for transportation of Catholic parochial school students. Justice Black stated for the majority that this use of tax money was for general welfare and not for religious purposes. To withhold the money, he implied, would be discrimination.

Justice Rutledge wrote a vigorous dissent. He pointed out that Catholics were free to choose whether to avail themselves of public schools and public funds. In his opinion, the majority's distinction between use of money for welfare and for religious purposes was not a valid one.

Parochial schools do teach religious doctrine. Public money used in any way to aid them does aid religious causes. This does contradict the purpose of the Bill of Rights which, Justice Rutledge said, was to create "a permanent separation of the spheres of religious activity and civil authority by comprehensively forbidding every form of public aid or support for religion."

James Madison led the fight for that constitutional principle, as Justice Rutledge noted. The tyrannies, wars and rivalries of state religions had not ended in Europe when Madison wrote: "The freemen of America did not wait till usurped power had strengthened itself by exercise. . . . They avoided the consequences by denying the principle."

Ninety years later, when President Grant advised the nation to "keep the church and state forever separate," James G. Blaine introduced a proposed constitutional amendment to do that explicitly. It lacked a few votes of passage, because Congress did not think the amendment was needed.

The first real assaults on the principle of separation came only after World War I, and came not from one sect, but from many. In the '20s, prejudice demanded government interjection in religious affairs. In the '30s, parochial schools caught in the depression looked for public assistance. The chasm between church and state began to narrow.

Today 12 states have laws requiring Bible reading in schools. In some places the anti-Catholic Ku Klux Klan was responsible. Sixteen states provide for transportation assistance to parochial schools. Catholics backed these measures. In 10 states public school pupils may be dismissed from class to receive religious instruction in school or otherwise. Both Protestants and Catholics join in the practice.

These statutes do not directly void the ancient principle; they nibble at it. Where the problem was clear, the Missouri Supreme Court held in 1942 that "public money . . . may not be used for the help of any religious sect in education or otherwise." Where the issue was not too sharp, the United States Supreme Court held in 1930 that states could supply public textbooks to parochial schools.

Amid the legal confusion, it is clear that many citizens are taxed, however indirectly, to support religious teaching in which they have no conviction. Tiny sectarian institutions are tempted to demand support from states whose public schools already are impoverished. School children are made conscious of doctrinal differences which have no place in public education, where they can only feed intolerance.

But the astonishing thing is that after so many years of sturdy and jealously-guarded independence, religion is now considered so feeble as to need government help. The power of the state easily stretches with the extension of state assistance. In the words of Justice Rutledge:

"There cannot be freedom of religion safeguarded by the state, and intervention by the church . . . in the state's domain or dependence on its largesse."

To which Justice Jackson adds:

"Religious teaching cannot be a private affair when the state seeks to impose regulations which infringe on it indirectly and a public affair when it comes to taxing citizens of one faith to aid another, or those of no faith at all. . . .

"If the state may aid these religious schools, it may therefore regulate them. Many groups have sought aid from tax funds only to find that it carried political controls with it. Indeed this court has declared that 'it is hardly lack of due process for the Government to regulate that which it subsidizes.'"

The fundamental freedoms of thought and of conscience must never be risked for such a purchase. In the end, we think, that view will prevail with courts and religious leaders, for the principle stands with this republic.—February 13, 1947.

Toledo Blade

While the New Jersey school bus case revealed a sharp split between the do-gooders and the constitutionalists on our present Supreme Court, it drew an even sharper contrast between the men who founded

this Republic on basic principles and those who would improve on their handiwork on a catch-as-catch-can basis.

Looked at superficially, there is some justification for the majority opinion which held that a township could pay the bus fares of children going to church schools as well as those going to public schools. Why should the parents of some children be denied a share of tax funds being paid out to the parents of other children? If the state insists that children go to one school or another, why shouldn't it help get them to one school as well as another? Besides, what difference does a few cents a day per child make when the money is going to a worthy cause?

But even the New Deal extremists on the court knew enough about constitutional law to realize that they could not stop short with these superficialities. Since the issue raised in this case struck at the very heart of the first amendment, they had to say something to justify a decision which would permit New Jersey to pay over to the Lord tax funds which belonged to Caesar in a country in which state [church] and state are rigidly separated. And so they offered the flimsy excuse that money spent in transporting pupils to church schools helps the children but not the churches.

Though this particular phase of the church-state problem did not arise in the horse-and-buggy days of the Republic, the Founding Fathers who separated church and state in the first amendment to the Constitution went deep enough into it to point out that any attempt to bridge the gap would destroy the basic principle.

As James Madison pointed out in his powerful remonstrance against religious assessments, "the same authority which can force a citizen to contribute three-pence only of his property for the support of any one (religious) establishment may force him to conform to any other establishment in all cases whatsoever." And Mr. Justice Rutledge, dissenting, applied this sound reasoning aptly to the New Jersey school bus case when he said: "No more unjust or discriminatory in fact is it to deny attendants at religious schools the cost of their transportation than it is to deny them tuition, sustenance for their teachers, or any other educational expense which others receive at public cost."

Though last week's decision is applicable to only one church and draws the line at which a church can receive support from the state, it lets down a historic barrier. From now on, all churches, creeds, and sects can scramble for public funds and set up schools to justify them. In which case, the American public school system could be sadly disrupted. And the consequences to American democracy might be disastrous.—February 17, 1947.

Southern Christian Advocate

In the 5 to 4 decision [of the New Jersey bus case] the court of last resort held that public tax receipts may be used for pupils' transportation to the Roman Catholic schools. Not in question was the matter of building or maintaining schools, simply the matter of whether trustees of a school district could use public funds to reimburse pupils at parochial schools for transportation.

The danger as we see it is that this decision may be used as a so-called "entering wedge," and later decisions might favor direct grants of aid to denominational or other private schools. Of course some are protesting the decision as one favoring Roman Catholic schools. There is no more valid objection to a decision favoring Roman Catholic schools than to one favoring any other denominational schools. If the government is going to help any school, Roman Catholic schools are as much entitled to help as Protestant schools. But the point is, should public funds be used to help, directly or indirectly, *any* private school? Can public funds be used, with propriety, to aid those attending any private school? It may be said that it is unfair for a Roman Catholic to pay taxes to support public schools and then have to pay for the education of his children at parochial schools. But such is his choice. He is under no legal compulsion to send his children to any other than public schools, just as a Methodist is not forced to send his children to private schools.

Too, if the public funds can be used to pay pupils' transportation to private schools, what is to keep public funds from being used to pay for the erection of buildings, the purchase of equipment, the paying of salaries, in private schools? If the decision of the Supreme Court be followed to some, perhaps logical, conclusions, it might be said that a board of school trustees could decide to operate buses to carry pupils to private schools, or could decide to appropriate money for the erection or maintenance of such schools. Could not a State Legislature likewise appropriate sums for the erection and operation of colleges and universities which are denominational owned? If the decision last week be proper, what legal barrier is in the way of the South Carolina Legislature appropriating several million dollars, if it chose, to the denominational and non-sectarian private colleges of the state? Why not let the Legislature take over their whole support? But of course nobody is advocating such. As Dr. Gross pointed out, our institutions ought to be kept free from any government control, and government appropriations logically could lead to government control.

We have come a long way in this nation from the old days of insistence upon absolute separation of

church and state. But perhaps we need to reaffirm our position therein, and make sure that state and church be kept separate. Perhaps there is already too much dependence upon the government on the part of churches. It may be churches ought not to accept what has come to be taken for granted, that church property, used for church purposes, is not to be taxed. It might be conducive to a more real separation of church and state, for the churches of America, unitedly, to ask that such special favors, subsidies granted them by government, be discontinued. Perhaps we need to go in that direction rather than in the direction taken by the Supreme Court in its New Jersey decision of last week.—February 20, 1947.

Christian Science Monitor

Separation of church and State is a bulwark of religious liberty. To remove a stone from that bulwark is to weaken the fortress of religious liberty. In our opinion the Supreme Court, by its decision permitting the use of public funds to pay for the transportation of pupils to sectarian schools, has torn down a whole section of that bulwark.

The majority opinion protests, "We would not approve the slightest breach." It holds that the adherents of any church should not be deprived of the benefits of a general law under which the State of New Jersey reimburses the parents of pupils who have to use buses to get to school. This appears plausible until one realizes that where the public pays for transportation to public schools, parents are deprived of no benefits unless they insist on sending their children to private schools. It is their own act which cuts them off from free school facilities.

That fact makes it plain that pay for buses to facilitate attendance at parochial schools gives special aid to such schools. This is underscored by the fact that other private schools get no aid. This entering wedge of support could be pushed very far, as the dissenting opinions of Mr. Justice Rutledge and Mr. Justice Jackson point out. Will the next step be to reimburse parents for the tuition they must pay to sectarian schools? Since taxes pay the tuition in public schools, could they not plead for such aid on the same ground?

Indeed, there is a nation-wide campaign to get public aid, and this Supreme Court decision fits right into it.

It seems to us that the Court has opened a very wide door. Where will it draw the line? It might be well for friends of religious liberty to carry a new case to the Court, to permit it to call a quick halt to this breaking down of the separation between church and State—or even to reverse itself. Meanwhile, a movement is already under way to establish an ex-

plicit safeguard by means of a constitutional amendment which cannot be overturned by any court.

In the beginning we said the separation between State and church is a bulwark of religious liberty. This is so because where there is no separation either the State dominates or the church dominates the combined power.

In one case the State uses the church for political purposes. This tends to a condition in which vital religion is either corrupted or suppressed. And where the church dominates, it uses political power for its own ends. This tends to a condition where other churches are banned or hampered, clericalism completely controls education, and a pampered church decays. In either condition, real religious liberty is lost. History is full of the evil results. Spain and Russia, Italy and Argentina, have furnished modern examples.—February 12, 1947.

The Southern Churchman

It is difficult for Protestants to write of the Supreme Court decision relative to payment out of public funds for the transportation of children to parochial schools of the Roman Church without seeming to attack the great communion. Emotion and even prejudice often enter our discussion. But the matter is a grave one and the very vigor with which the four dissenting justices stated their opinion indicated that this may be only the beginning of a judicial controversy which touches fundamental American conceptions. "If the State may aid these religious schools," commented Justice Jackson in a separate dissent, "it may therefore regulate them." Justice Rutledge said, speaking for the whole minority, "The (First) Amendment's force can be thus destroyed. . . . For then there could be no possible objection to more extensive support of religious education. . . . I can see no possible basis except one of dubious legislative policy, for the State's refusal to make full appropriation for support of private religious schools, just as is done for public instruction. There could not be, on that (the majority's) basis, valid constitutional objection."

This would further mean, as Justice Jackson pointed out, "To render aid to its (Roman Catholic) church schools is indistinguishable to me from rendering the same aid to the Church itself." The effect of the First Amendment to the Constitution was immeasurably comprised [compromised] by today's decision.

Without carrying the majority viewpoint to this quite logical conclusion, we already have in this decision, authority for any religious body—or presumably, non-religious body too—to go to the public authorities in charge of disbursing public funds for education, and request support for schools which, in

addition to the educational fundamentals, teach the particular viewpoint of that group. The issue is not limited to bus transportation. *The nose of the camel is in the tent. Already in some states, Roman schools have asked for free textbooks. Then why should not teachers' salaries be paid? Finally we have full state support of religious schools.* [Emphasis ours.]

We Episcopalians have many private schools which would benefit in dollars under this decision, but we hope the Church will rise in protest against this opinion which by the narrow margin of 5 to 4 would seem to reverse a basic tenet of American democracy.—February 22, 1947.

Time

The issue was not settled. In the past, the courts of six states had thrown out, as unconstitutional, laws similar to New Jersey's permitting transportation at public expense for parochial-school pupils. There was talk of drafting a constitutional amendment to bar the practice. The issue would be before the people for a long time to come.—February 24, 1947.

EDITORIALS

Will Appear Next Quarter

MR. ODOM'S SERIES "The First Civil Sunday Laws," two numbers of which have already been printed, will be continued in our next issue.

Parochial School Attendance Not Compulsory

CATHOLIC WRITERS GENERALLY have denied that the question of the separation of church and state was involved in the New Jersey school bus case. To prove their contentions, much specious reasoning has been followed.

In the *Commonweal*, liberal Catholic weekly, of April 18, 1947, Edward J. Heffron, formerly connected with the National Council of Catholic Men and the Catholic Hour, follows a line we had not before heard, building his argument on the United States Supreme Court decision in the case of *Pierce v. Society of Sisters*. Our readers will recall that in 1922 the State of Oregon adopted a "Compulsory Education Act," to be effective September 1, 1926, which required that all parents, or guardians, or any other person having control or charge of a child between the ages of eight and sixteen years must send him "to a public school for the period of time a public school shall be held during the current year."

Mr. Heffron rightly contends that the United

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States Supreme Court "held that the state could not compel attendance at *public* schools." (Italics ours.) It recognized the right of parents to send their children to qualified private or church schools if they choose. But to conclude from this recognition of conscientious conviction that the state is forcing a certain class of its citizens to send its children to parochial schools and should therefore transport the pupils to these schools is absolutely unwarranted. The state demands that children should go to school. It offers free to every child all that it requires by way of instruction. It permits any parent to send his child to a school where religion is taught if he so desires. If the parent demands what the state does not, and can not properly, furnish, he is required to pay for it. No injustice is done him. He does not accept what is offered free. He should not complain if asked to pay for what he demands.

The state cannot go beyond the attempt to instruct in secular matters. It is not qualified to give religious instruction. This latter belongs to the church, with which the state must not interfere.

The state has a right to require a minimum of instruction in the things it may properly teach. It is within its rights when it refuses to give instruction in other things. It is within its rights when it establishes boundaries for the education it undertakes to give; as much within its rights when it refuses to teach, or pay for teaching, religion as when it demands that a minimum of secular education be given.

H. H. V.

Christians as Well as Secularists Oppose Union of Church and State

WE TAKE VIGOROUS EXCEPTION to a statement in the Catholic *Our Sunday Visitor* of July 7, 1946:

"In our own country it is only the enemies of Christianity, and of the Catholic Church in particular, who, under the pretense that 'separation of Church and State' must be maintained, keep up a fight for compulsory education of all children in the public schools, and who now fight against the policy obtaining in 2000 communities, according to which children may leave school for religious instruction under released time."

We object because of the confusion of principles and issues which the writer quoted makes, whether ignorantly or designedly, we do not know. What his definition of Christianity may be we do not know. But we profess to be Christians, and we believe that religious education is a function of Christianity, to be reserved to the churches only. We believe that the political state should not engage in religious education, because to do so involves the state in the propa-

gation of religious dogma, or else requires it to support particular denominations and their activities.

We base our contention on a gospel principle, enumerated by the Lord Himself, that the church and the state should operate each in its own sphere. "Render therefore unto Caesar the things which are Caesar's; and unto God the things that are God's." Matthew 22:21. This is not merely an American principle, although it is, fortunately, being illustrated in American constitutional law and in American life. It is a divine principle, and the tragic results of its trespass are amply illustrated in secular and ecclesiastical history throughout the 1,634 years which intervene between A.D. 313, when Christianity began to accept, and then to insist upon, a union of church and state, until the present moment. Each church and any church should be free to teach the tenets of its own faith, not only to its own members, but to anyone else who is willing to listen. But this religious instruction should be imparted only through the church's own agencies, and at its own charges. Those who urge that the state be neither invited nor permitted to devote its time, its agencies, or its funds to religious work are not anti-Christian. Rather they are supporting a basic Christian principle. Indeed, it appears to us anti-Christian to enlist the state's means and energies in the church's business of religious education.

F. H. Y.

School Bus Case at Kennett Square, Pennsylvania

THE KENNETT CONSOLIDATED SCHOOL is located in the Borough of Kennett Square, Pennsylvania. For a time the public school authorities permitted pupils of parochial schools to ride in the public school busses. On December 12, 1945, the school boards representing the various districts serving the Kennett Consolidated School, acting jointly, adopted a resolution to discontinue the transporting of parochial school children at the end of that school year's term, which was June, 1946. On September 7 last the school boards, again acting jointly, confirmed the action just cited and also approved a "verbal order made to the students and other representatives of the parochial school, given Thursday, September 5th and Friday, September 6th, 1946, not to enter the Consolidated School buses for transportation to and from school." A suit was brought by a number of residents of the school district, asking that the members of the board who had denied transportation to parochial school children be removed from their offices. In its decision the Court said, "We are of opinion that in this case there is nothing whatever shown to justify removal of any of these school directors."

Another suit involving the same matter was brought by Paul Connell against the "Joint Board of School Directors of the Kennett Consolidated School," seeking to compel them "to furnish free transportation for his daughter, Catherine Connell, to and from her residence and the Kennett Consolidated School for the purpose of her attendance as a pupil at St. Patrick's Parochial School." Mr. Connell contended that there was a mandatory duty imposed by the Pennsylvania School Code, and he sought to compel performance of that alleged duty. The defendants denied that there was any such duty, expressed or implied, imposed upon them by the provisions of the School Code.

On February 17, 1947, the Court ruled that "we have concluded that there is no such clear legal right in the plaintiff as he alleges and no such corresponding duty resting upon the defendants, or any of them, as he seeks to enforce. . . . Judgment is rendered for the defendants."

The case was appealed to the Supreme Court of the State of Pennsylvania and was there considered under this title: *Connell, Appellant v. Board of School Directors of the Township of Kennett, etc., et al.*, No. 102 January Term, 1947. In a letter received by the editor from Charles A. Waters, prothonotary of the Supreme Court of Pennsylvania, Eastern District, this information is given: "A Per Curiam opinion was filed in this matter on May 7 as follows: 'Judgment of Court below affirmed on opinion of Judge Harvey.'"

Claiming no gift of prophecy, we hazard a guess that the case will be appealed to the Supreme Court of the United States. What will happen there in view of the New Jersey decision is anybody's guess.

H. H. V.

Prescience or Wishful Thinking?

AN UNDATED DISPATCH, credited to the National Catholic Welfare Conference, from Philadelphia, appeared in the *Catholic Telegraph-Register*, which is published under the direction of the archdiocese of Cincinnati, reported:

"The right of parochial school students to use free bus service supplied to public school pupils has been upheld by the Pennsylvania State Supreme Court.

"The ruling was made when the high tribunal reversed a decision from the Chester County Common Pleas court on an appeal by Paul Connell of Kennett Square township."

It is significant that the paper before us bears date of Friday, April 25, 1947. The prothonotary of the Supreme Court of Pennsylvania says the opinion was filed on May 7. Maybe the one who wrote this dispatch thought he possessed the gift of prophecy. Maybe he only wrote what he thought the Supreme

Court of Pennsylvania ought to do. Anyhow we recommend that a little more care be exercised in the interest of truth and accuracy.

H. H. V.

Religious Liberty in Italy

FRIENDS OF RELIGIOUS LIBERTY were deeply concerned when word came of efforts to put into the new Constitution of the Italian Republic, the terms of the Concordat made with the Papacy by Mussolini in 1929. This meant that every Italian would be required through taxation to support the Catholic Church, and that education would be under Catholic supervision.

The concern was too well justified in the event. When the issue was joined, those on the side for the Concordat had apparently not enough votes. But when the question was called, the Communists illustrated their control of the balance of power in the Italian Assembly by joining the affirmative on the issue, and the terms of the Concordat became a part of the new Italian Constitution. (*Time*, April 7, 1947.)

However, bad as this is for religious liberty, it is brightened by the information at hand that this clause has also been written into Article XIV:

"Everyone shall have the right to profess freely the religion of his own faith in whatsoever form he may choose, individually or associated with others. He shall have the right to propagate the same, and to the free exercise thereof in private or in public and in acts of worship, providing that they do not deal with principles or rights contrary to public order or good custom."

Now comes further word, through Religious News Service, that "the Constituent Assembly voted 244 to 204 against a proposal by Christian Democrat leaders to grant state subsidies to denominational schools in Italy." Organized religion should not control public education, nor should religious schools be aided by the state.

This is good news. But it is not good enough. With the terms of the Concordat in the Constitution there cannot be genuine religious liberty in Italy, and friends of liberty should not rest content with the situation. But these later actions are good news.

F. H. Y.

State Support Brings Religious Decay

IN THE PAMPHLET *A Plea for Christian Education for Christian America: Progressive Education, Its Theory and Practice*, published under the auspices of The National Union of Christian Schools, we read of an opinion of Mr. Iwan Morgan, a laborite M.P., who recently reviewed the decay of religious schools in Wales. In his opinion "the reason for the

decay of such schools in recent years is the subsidization by the State of such schools. Every grant in aid by the State has resulted in less popular support, less religious distinctiveness in the educational philosophy, and a weakening of the original independent attitude of the sponsoring churches towards State control."

This is an accurate analysis. Notice its three-point estimate of the effect of state support of religious schools:

1. It lessens the support given to these religious schools by the people who should be responsible for them;

2. It detracts from "religious distinctiveness in educational philosophy" of the church accepting state aid;

3. It has an enervating effect upon the church's vigor and self-reliance.

This analysis is not operating in the thin ether of theory. It is founded in facts. In both Europe and the United States, religious schools supported by the state become, as a general rule, more and more anemic religiously, and frequently become merely disguised secular schools. State support is not the only cause for the anemia: lack of spiritual conviction and vigor in a church has always been a factor in the loss to the church of its religious schools. But state support accelerates this weakness.

A church which maintains its spiritual convictions and keeps its schools free of state support will have a vigorous parochial school system. A state which restricts its expenditure of tax money to the support of its public school system will thus, and only thus, maintain its civic balance and a financially healthy public school system.

F. H. Y.

Outlawing Hatred

BILLS ARE BEING INTRODUCED into the different State legislatures and into Congress, seeking to outlaw "hatred." These bills in general define as a crime any attempt to foment hatred "by reason of race, color, or religion," or "creed" against any person "not an alien enemy of the United States." The penalties include disfranchisement, disbarment from public office up to ten years, fine up to \$10,000, and imprisonment up to two years, or both fine and imprisonment.

Some of the State legislatures have enacted such laws, and under them some State supreme courts have issued court orders outlawing the Ku Klux Klan, and have revoked its charters. But in spite of these drastic measures to outlaw hatred, the Ku Klux Klan is carrying on its dastardly and outrageous work, and is defying the legal authorities.

In one State where the Klan has been outlawed both

by the State legislature and the supreme court, a Negro Navy veteran of the Okinawa campaign received an anonymous death threat against himself and family, and his house was burned to the ground, and the perpetrators, who signed themselves as "KKK," admitted the cowardly arson and stated that they resented the victim's moving into a "white district," and added the following note: "The Klan is on the march. . . . We are too strong to be stopped even by the F.B.I. or the U.S. Government. . . . We are the only law for Negroes. . . ."

The mere passing of a law to outlaw hatred is not the remedy. We cannot outlaw hatred any more than we can enact a law compelling all men to love their neighbors like themselves. Germany outlawed all political parties except the Nazis, and the Gestapo marked every man for the slaughter who raised his voice in opposition to Nazi objectives. But neither the Nazi leaders nor the Gestapo succeeded ultimately. We cannot legislate love into the hearts of the people, nor can we legislate hatred out of their hearts. Human nature cannot be changed by law. Instead of attempting to outlaw hatred, which is impossible to do, let us deal with the individual who infringes upon the rights of others. There are crackpots in every organization who have no regard for the rights of others, and the Government should deal with the crackpots that carry on depredations against others and not with the group who are innocent and have done no wrong. If any organization advocates violence and defies the Government, then the Government has a right to deal with the organization, but when only certain individuals in an organization commit overt acts of violence in violation of justice and the fundamental principles governing the organization, then the Government should not outlaw the organization but punish the individuals who commit the outrages.

The Government is under obligation to protect the individual and all organizations in the enjoyment of their constitutional rights. The Government has no right to punish individuals for their opinions. It can only deal with the overt acts of man that infringe the rights of others.

C. S. L.

Strictly Logical Reasoning

THOSE WHO FAVOR the use of public school busses for transporting parochial school children usually deny that anything else is involved beyond aiding children who are compelled to go to school to get there safely.

Those who oppose the use of public funds for transporting children to schools that would not operate at all if it were not for the religious teaching given in them, believe a great principle is at stake. As governmental expenditures go, the amount would be small if

every parochial school child were hauled to school.

But if books and busses may be provided, why not buildings and teachers? If the principle is right, let it be followed. If wrong, let it be opposed. Let there be no compromise for expediency's sake.

Every yielding is used as an argument for more giving up. Too much has been done already.

One Catholic writer contends that if it is wrong to aid parochial schools by transporting their pupils free, if it is forbidden by the First Amendment to the Constitution, then "it is unconstitutional for the federal government to pay and maintain chaplains in the armed forces and to erect and maintain service chapels; it is unconstitutional for the Senate and the House to appoint and pay their respective chaplains; it is unconstitutional for the federal government to employ religious advisors in hospitals."

The same argument is advanced by a priest in a letter to the editor which appeared in the *Louisville Courier-Journal* of March 1, 1947:

"In the opinion handed down by the U.S. Supreme Court on February 10, upholding the New Jersey bus law, we find these words: 'No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion.' This is part of the court's interpretation of the First Amendment. None can find fault with the court's position in this regard. It seems to be perfectly logical.

"In the light of this interpretation it is interesting to recall that the U.S. Army and Navy, and also the Veterans' Administration, for a long time have been providing chapels, etc., for religious services, and paying chaplains of various faiths to bring to our men religious consolation.

"Now the question is, where have the acrid protagonists of the principle of separation of church and state been for so long a time? Why have these valiant defenders of this principle overlooked the support, through public funds, of religion in the Army, the Navy, and the Veterans' Administration and at the same time thrown up their hands in holy horror because a few Catholic children ride the public school busses? Truly, these 100 per cent Americans must be led by a motive other than zeal for the First Amendment of the Constitution, otherwise they would be out on the hunt for bigger game.

"Louisville. Rev. William J. Mulcahy."

We agree with the logic of both these men, but do not agree that because mistakes have been made they must be continued. Our record is clear. We have pointed out the fact that abuses exist. We think it well to print again and now what Madison said on the subject of chaplains:

"Is the appointment of Chaplains to the two Houses

of Congress consistent with the Constitution, and with the pure principle of religious freedom?

"In strictness the answer on both points must be in the negative. The Constitution of the U.S. forbids everything like an establishment of a national religion. The law appointing Chaplains establishes a religious worship for the national representatives, to be performed by ministers of religion, elected by a majority of them; and these are to be paid out of the national taxes. Does not this involve the principle of a national establishment applicable to a provision for a religious worship for the Constituent as well as of the Representative Body, approved by the majority and conducted by ministers of religion paid by the entire nation?

"The establishment of the Chaplainship to Congress is a palpable violation of equal rights as well as of Constitutional principles. The tenets of the Chaplain elected shut the door of worship against the members whose creeds and consciences forbid a participation in that of the majority. To say nothing of other sects, this is the case with that of Roman Catholics and Quakers who have always had numbers in one or both of the Legislative branches. Could a Catholic clergyman ever hope to be appointed a Chaplain? To say that his religious principles are obnoxious or that his sect is small, is to lift the veil at once and exhibit in its naked deformity the doctrine that religious truth is to be tested by numbers, or that the major sects have a right to govern the minor.

"If Religion consists in voluntary acts of individuals, singly or voluntarily associated, and if it be proper that public functionaries, as well as their constituents, should discharge their religious duties, let them, like their constituents, do so at their own expense. How small a contribution from each member of Congress would suffice for the purpose! How just would it be in its principle! How noble in its exemplary sacrifice to the genius of the Constitution; and the divine right of conscience! Why should the expense of a religious worship for the Legislature, be paid by the public, more than that for the Executive or Judiciary branches of the Government?

"Were the establishment to be tried by its fruits, are not the daily devotions conducted by these legal ecclesiastics, already degenerating into a scanty attendance, and a tiresome formality?

"Rather than let this step beyond the landmarks of power have the effect of a legitimate precedent, it will be better to apply to it the aphorism, *de minimis non curat lex*: or to class it '*cum maculis quas aut incuria fudit, aut humana parum cavit natura*.'

"Better also to disarm in the same way the precedent of Chaplainships for the army and navy, than erect them into a political authority in matters of Religion. The object of this establishment is seducing;

the motive to it is laudable. But is it not safer to adhere to a right principle, and trust to its consequences, than confide in the reasoning, however specious, in favor of a wrong one? Look thro' the armies and navies of the world, and say whether in the appointment of their ministers of religion, the spiritual interests of the flocks or the temporal interests of the shepherds, be most in view; whether here, as elsewhere the political care of religion is not a nominal more than a real aid. If the spirit of armies be devout, the spirit out of the armies will never be less so; and a failure of religious instruction and exhortation from a voluntary source within or without, will rarely happen; and if such be not the spirit of armies, the official services of their Teachers are not likely to produce it. It is more likely to flow from the labors of a spontaneous zeal. The armies of the Puritans had their appointed Chaplains; but without these there would have been no lack of public devotion in that devout age.

"The case of navies with insulated crews may be less within the scope of these reflections. But it is not entirely so. The chance of a devout officer might be of as much worth to religion as the service of an ordinary Chaplain. But we are always to keep in mind that it is safer to trust the consequences of a right principle than reasonings in support of a bad one."—*Madison's View on Ecclesiastical Trusts.*

H. H. V.

*Gallard Hunt says:
"A few years after this was written, on December 11, 1832, Charles Constantine Pise, a Catholic priest, was elected chaplain of the Senate."

RELEASED SCHOOL TIME for Religious Education

A Recommendation

THE SECRETARY of the Board of School Commissioners of Baltimore, Maryland, has furnished us with a copy of a "Report of the Board of Superintendents to the Board of School Commissioners Concerning the Petition for a Program of Released Time Religious Education in the Baltimore Public Schools." From this we quote:

"It is our carefully considered recommendation that the plan proposed in the petition be not approved by the Board of School Commissioners. . . .

"Because of deep and continuous concern professionally and personally in the problem of character development among children and youth, we have given much consideration to the various aspects of Character Education. We have examined and evaluated programs carried on in the past, both in Baltimore and elsewhere, programs now being conducted and plans which offer promise for further development in this very important phase of education. The members of this Board are unanimously of the opinion that every

child, if his life is to be well based, must come under the effective influence of the church, the home, and the school. We do not believe, however, that it is either necessary or desirable that the child's contact with his church should occur during the time that he is required by law to spend in attendance at public school.

"We are opposed to a program of Released Time Religious Education because such a program might have the effect of violating the principle of separation of church and state which is so fundamental a concept in American democracy. Moreover, we have found no indication either in the plans presented to us for the local program or in released time programs elsewhere which have been studied through observation and published reports that the purposes of education for character and citizenship would be furthered more effectively by work carried on outside of the schools than by the type of educational activity now being carried on in schools. . . .

"A further problem is that of providing activities for the children whose parents would not elect to have them attend the religious classes. There is danger that, on the one hand, such children will be given, as they are in some places, work which would serve merely to keep them busy; or that, on the other hand, they will participate in activities of a valuable educational nature, thus providing them with an advantage not enjoyed by the children attending religious classes. Either solution would be unfortunate for one group of children."

This report of the Board of Superintendents was based on the following recommendations, made by the Character Education Committee, which we think is a fine summary of the subject and which we are glad to present to our readers:

"The CHARACTER EDUCATION COMMITTEE, aware as it is of the importance of religious education in the well-rounded development of the whole child, believes that

"1. Doctrinal aspects of religious belief and practice are not within the province of the public school and should be taught by the church, with the co-operation of the parent and the home, in out-of-public-school time and in the child's own church or place of worship, where he can develop a strong identity with his own religious group.

"2. Moral and ethical values basic to desirable character development not only can be but also are being taught with tremendous influence by the public school as now organized to help the child develop an overall pattern of life.

"3. The public school can broaden its emphasis on those spiritual and ethical values which are found to contribute most toward the development of worthy character, if this objective is approved and adequately supported by the public.

"4. The time and effort which would be required of the schools in developing this additional program should be devoted to more careful planning for the spiritual development of children of *all ages* in the public schools, in accordance with the basic principles of American democracy. We recognize that this will require special skills, special training of teachers, and the full support of parents and officials.

"After considerable study of the problem of released-time religious instruction and in view of the testimony brought forth in all its conferences, the CHARACTER EDUCATION COMMITTEE, though deeply appreciative of the value of religious education in the life of every child, is unanimously opposed to the plan of released-time weekday religious instruction. The committee bases its judgment on the following grounds:

"1. The separation of church and state, won by our forefathers only after centuries of fearful strife and bloodshed, is one of our most precious legacies, and we can not endorse any step that could have any possibility of jeopardizing it whatever.

"2. The religious education of the child in a democratic nation is fundamentally the joint responsibility of the family and the church.

"We believe that the religious teaching of the child should come through the church, the home, and the parent.

"Released-time religious instruction tends to make the school responsible for functions which are primarily those of the family and church. It may even encourage parents to feel that since their obligation for the religious instruction of their child is being met during the week, their responsibility toward him for worship on Sunday might well be lessened or eliminated.

"3. Released-time religious instruction tends to emphasize denominational and religious differences, a factor contrary to the aims of public education.

"Released-time religious education places the child whose parents do not authorize his attendance at a weekday church class in the unwholesome position of being segregated from his schoolmates and possibly of becoming critical of his parents.

"Religious education through released-time may result in religious discrimination because of the particular interests and sympathies of the persons identified with the program.

"4. The advocates of released-time either fail to recognize or hesitate to use the many other available opportunities in out-of-school time for religious instruction.

"Some religious groups have used after-school hours in building up a satisfactory religious education program. This could be done by other groups of various faiths.

"Saturdays and summer vacations afford additional time which can be used for religious instruction. The use of out-of-school time for religious education makes possible a more unified and coherent program than does an allotment of one hour a week for purposes of religious instruction. This hour is in reality even less than sixty minutes since the transportation time just [must] be included.

"5. Released-time weekday religious education may be integrally related neither to the child's life in school nor to his life in church.

"The child does not find released-time religious education 'integrated' with his weekday life merely by the use of public school hours.

"Because of the conscious separation of the public and church school programs, the plan prevents articulation of curriculum, activities, standards, and personnel.

"It is unlikely that the religious school staffs and the public school personnel would be able to plan cooperatively for the religious education of their pupils.

"The plan of released-time religious education does not consider the religious needs of children of all ages.

"The opportunity for a strong personal relationship between the teacher and the individual child, which experience shows to be basic to any planning for character development, would be remote in the case of the religious teacher who would be meeting the hundreds of children once a week.

"The plan makes necessary for those children who do not attend the religious classes the provision of other experiences that may constitute unfair competition by their attractiveness or helpfulness, or that may tend to be wasteful of the pupils' time and harmful to their emotional development.

"The plan takes the child out of his school environment but in most cases does not place him in the environment of his own church.

"6. The points presented by the LAY ADVISORY COMMITTEE and the CLERGYMEN'S ADVISORY COMMITTEE clearly indicate that there is a wide divergence of public thinking in Baltimore regarding the desirability of a released-time weekday religious program.

"The program of the public school must have public sanction.

"7. The present curricula in the public schools provide many opportunities for emphasizing moral and spiritual values, without accentuating religious differences. The recent survey made by the Curriculum Bureau and the supervisors indicates the wide extent of these opportunities. As heretofore stated, the Character Education Committee plans the fuller exploration and development of curricular situations and materials related to ethical and spiritual values."

Sparks on Liberty

THE highest law-making body among men does not possess absolute powers but is limited in its exercise as to the inalienable rights of man.

A LEGISLATIVE act that violates essential justice and the supreme law of the land is an invalid law and should be repealed.

NEWS and COMMENT

Religious Orders and Public School Teaching

DURING A RECENT SESSION of the State legislature in Missouri a bill was introduced "that would deny state money to schools employing teachers who are 'ordained ministers, or members of a religious order and garbed in the clothing of an order.'"

This bill was evidently introduced because it was reported that ordained ministers are teaching schools in 67 counties and that in 19 counties nuns are employed as teachers in public schools.

Parochial School Children Granted Transportation in Washington

A UNITED PRESS DISPATCH from Yakima, Washington, which appeared in the *Seattle Times* of March 16 reports that the prosecuting attorney for Yakima County has ruled that "children of any accredited private or parochial school under compulsory attendance laws are entitled to the same transportation as provided for public school pupils."

Mr. Clark "based the opinion on a bill passed by the Washington State Legislature in 1945" and the fact that the Supreme Court of the United States had upheld a similar law in the State of New Jersey.

The opinion in the New Jersey school bus case is having a wide effect. Its evils can scarcely be measured. Unless it is reversed, the separation of church and state which has characterized this country since its beginning will become only a memory.

Sunday Sports Protested

THE BOSTON *Post* of May 15 carries a story reporting that Stanley B. Vandersall, secretary of the Lord's Day League of New England, appealed to the delegates of the 148th annual meeting of the Massachusetts Congregational Conference and Missionary Society to "apply pressure to stop the steady encroachment of Sunday sports upon the Sabbath." Mr. Vandersall said: "Sunday has become the great American day for sports—a national holiday for other things than religion. . . . It is bad enough for profes-

sional and commercial sports to spoil the Sabbath, but now we have the school-boy sports people moving in to take people away from their religion on the Holy Day. We must do what we can—right up to the limit to stop the spread of sports programs on Sunday."

The *Post* reporter adds this: "Delegates to the conference heard Secretary Vandersall without offering a resolution to back him up."

We hold no brief for Sunday sports, but we believe the churches would strengthen their position by appealing to their members and by the education of their youth rather than by turning to the power of the civil state to accomplish what they would like to have done.

Religious Education Under New Bavarian Constitution

A NEW CONSTITUTION for Bavaria was accepted by referendum vote of its citizens on December 1, 1946. The functioning of this Constitution, as one of a large crop of new instruments of government appearing on the Continent of Europe, will be watched with keen interest.

This is particularly true concerning the carrying out of Articles 98, 99, and 100, which deal with religious education in the state schools. Religious teaching is specifically provided for, but religious convictions are to be respected. School authorities may not compel teachers to teach religion, nor may they restrain a teacher from doing so. Any teacher who teaches religion must have an authorization from his own denomination, and time and classroom space must be allotted for the instruction. Instruction in the general principles of morality will be given to students who do not attend classes in religion.

This plan of religious education in state schools is, of course, consistent with previous practice in Europe. Neither Catholics nor Protestants in most of the countries of Europe (France has for instance been a notable exception since 1905) have applied in this area of education the principle enunciated by Christ, of religion and government operating in different spheres. (Matthew 22:21.) This principle of its Lord the Christian church maintained during its first three centuries of rapid and successful growth. Departure from it brought dependence upon the state and aggravated intolerance.

The provisions of the Bavarian Constitution sound a great deal like what most Catholics and some Protestants are urging for this country. Since the very large majority of Bavarians are at least nominally Catholic, it will be interesting to observe how much freedom for religious instruction will be allowed in the state schools to minority faiths. Here perhaps will be an object lesson.

Public Funds for a Convent?

THE LEWISTON *Evening Journal*, Lewiston, Maine, March 6, 1947, carried an Associated Press dispatch from Augusta reporting that an "appropriation of \$100,000 to help rebuild the Sacred Heart Convent at Jackman, destroyed recently by fire" was asked of the legislature. Senator Boutin was granted unanimous consent to introduce the legislation though the deadline for the regular filing of bills had passed. A dispatch to the *Christian Science Monitor* of April 3 said this was "the first legislation of the kind ever introduced in the State."

It is a pleasure to learn the bill was withdrawn. It seems strange that in this country such a measure could be seriously considered by any legislative body. Individual legislators are free to give as much as they please to any religious project. They are out of their rightful bounds when they appropriate public funds to any church institution.

Never Necessary

ASKED IF Myron C. Taylor, "the special envoy to the Vatican," was returning to Rome, President Truman said, "No," but added, "He will go back later if necessary."

It will never be "necessary" or proper or legal. This country is founded upon complete separation of church and state. Sending an ambassador to the Vatican violates the fundamental principles of the American republic. There is no more sense in sending an American ambassador to the Vatican than to the heads of the Established Episcopal Church in London, the Scottish Presbyterian Church in Edinburgh, the Lutheran Church in countries where it leads or to any other head of a religious denomination. The fiction that the Pope is a temporal ruler because he controls a narrow strip of territory does not warrant America's violation of the separation of church and state.—*The News and Observer* (Raleigh, N.C.), April 6, 1947.

Paid Advertisements for Sunday Observance

A FRIEND HAS SENT US a clipping from the *Nevada County Picayune* of Prescott, Arizona, containing an advertisement by a bank. At the bottom of the advertisement are these words: "Go To Church Sunday." The correspondent asked what we think of this.

No one could object to it. No demand for a law to force people to go to church is made. No request for public funds to spread the gospel is found here. Evi-

dently the officers of the bank believe that it would be good for citizens to attend church and are willing to pay for spreading their belief with their own money. This is certainly within their rights. It is entirely commendable. It would be a fine thing for our country if there was much more church attendance than there is. And when the professors of Christianity recognize their obligation to give the good news to every man, they will be led to more careful living themselves.

The editors of this journal are believers in God and His Son. But none of them believe either in taxing others to spread their faith or of calling upon the state to force conformity to their opinions.

Catholic Instruction in Argentine Public Schools

IF WE CAN BELIEVE the reports that are coming out of Argentina—and they seem reliable—a law has been made to "establish Catholic instruction in the entire educational system of Argentina, from primary grades through the universities." Some amendments were proposed. One would have allowed ministers of different religions to give instruction to pupils of their faith. Another would have excluded children of parents who profess no religious faith provided a request in writing was made for this. Both of these were defeated.

Charter of Religious Liberty in Great Britain

THE NEW YORK *Times* of April 23, 1947, carried a dispatch from London reporting that the British Council of Churches had drawn up a charter of religious liberty proposing the following freedoms:

"(1) To choose one's religious beliefs and to change them if desired.

"(2) To worship according to conscience and to educate, propagate, persuade and conduct social and charitable activities.

"(3) To associate with others for these purposes.

"(4) To acquire and hold property as a religious community.

"(5) To express one's belief by speech, writing, printing and publishing.

"(6) To have one's children educated, including religious instruction.

"(7) To be guaranteed against legal provisions and administrative acts calculated to impose disabilities on grounds of religion."

With these things we are inclined to agree; with most of them wholeheartedly. We wonder, however, if No. 6 means that the individual has a right to have his children taught religion by the state?

State Support of the Church in Germany

A CORRESPONDENT FROM GERMANY to the *Christian Century* reports that the constitutions submitted to the voters in the three provinces of the American zone of Germany "all provide for a continuance of the state tax of church members for church support. Many German clergymen have begun to question the wisdom of a state-supported church, but they feel that a change now would place heavy burdens on an institution whose finances are already inadequate."

It is easy to understand that the churches in Germany find themselves laboring under great financial difficulties. But it would seem that their members, of all people, would be awake to the dangers that such financial aid might eventually involve. If the state has to tax church members to support the church, it may decide to undertake to direct them as Hitler did when he was in power.

Conscientious Objectors and Civil Office

THE LOWER BRANCH of the Rhode Island Legislature some time ago passed a bill which would bar conscientious objectors from appointment to State offices and deny them certain other rights. To the credit of the Rhode Island Council of Churches, it may be said that they launched an attack on the constitutionality of the bill. We hope that if it passes the Senate the governor will have the courage shown by Governor Warren of California, who vetoed a similar bill when it came to him some time ago.

Cincinnati Board of Education in Suit Over Funds Appropriated to Parochial School

A SPECIAL DISPATCH to the *New York Times* from Cincinnati, bearing date of April 18, reports the following:

"Attorneys for the Schools Improvement Association have filed a suit in the Common Pleas Court here to enjoin the Board of Education from further payments of tax funds to the Margaret Mary Roman Catholic Church for operation of Grace Avenue Parochial School, an affiliate of the public school system of suburban North College Hill.

"The petition asserts that such payments 'violate Amendments I and XIV of the United States Constitution forbidding any state to make a law respecting the establishment of religion or prohibiting free exercise thereof.'

"The payments also violate the Ohio Constitution, the petition added. The suit, which was filed yesterday,

names the five members of the school board as defendants."

We know nothing of the details of this case beyond what this dispatch gives, but we know that the things charged here are being done elsewhere. It is time they are stopped. We wish we were a little more hopeful of the outcome, when and if this case reaches the United States Supreme Court. The New Jersey school bus case opinion has badly shaken our faith.

Good Friday a Legal Holiday

ON FEBRUARY 17, 1947, Congressman Sasser of Maryland introduced a bill in the House of Representatives to declare Good Friday in each year a legal holiday.

Christians generally will approve the idea of recalling the sacrifice of Jesus Christ, and there can be no objection whatever to churches observing the day with appropriate services. But the significance it has is purely religious. Though fifteen States and seventy-five cities are reported to have declared Good Friday to be a legal holiday, the fact remains that when a civil power passes legislation concerning this purely religious day, church matters and state matters are being mixed up.

As a matter of simple fact there is nothing in the Scriptures which would indicate that God ever intended it to be observed as an annual rest day or memorial day. If the state declares certain days holidays in memory of its citizens who have served it well either in war or peace, it is within its rights. All matters pertaining to religion rest in the hands of the Author of religion, and we repeat, there is nothing in the Scriptures to warrant the celebration of Good Friday as an annual holiday. The multiplication of holidays or holy days is no evidence of godliness. If men are careful to obey what the Scriptures command, they will do well.

Another County in Maryland Will Transport Parochial School Children

MARYLAND, WHICH follows a system of legislative enactments different from most States, has what are known as public local laws as well as public general laws. By this method different laws may be enacted for different counties.

For some time part of the counties of Maryland have been transporting parochial school children in public school busses. Since the New Jersey school bus case was decided by the Supreme Court of the United States, new demands have been made by one of the counties, and a bill authorizing such transportation was signed by the governor of the State.

Making Democracy Work

Every Citizen Must Help

By the EDITOR

RECENTLY WE were reading a book review. A sentence or two from this expresses what we think is a great truth in terse language:

"The task of making democracy work is not easy. It requires a portion of the energy of every citizen for its success. . . . The only way to attain the America we envision is for every citizen to take individual responsibility instead of trying to transfer his responsibility to a collective conscience that does not really exist."

To preserve liberty, it is necessary to love it above everything else. Too many today are inclined to look upon Patrick Henry's cry, "Give me liberty, or give me death!" as perfervid oratory. Liberty is more than material security. Liberty is more than the benefits which come from a benign government.

History is a mournful record of nations which lost their liberties because they listened to the promises of ambitious, power-craving rulers. The first instance of which we know occurred in the Garden of Eden. Man, made free, listened to a deceiver who told of material good which could be had by a change of allegiance. The latest cases involve Hitler and Mussolini. These both promised much in exchange for liberty. Mussolini was to restore the glory that was Rome's, and Hitler was to develop a superrace of world rulers. Both demanded that fundamental, basic, inherent rights be surrendered. The price was too great, as the people of Germany and Italy learned after their fetters were forged.

Liberty cannot be loved too much. Too great a price cannot be paid for it.

The Responsibility of Preserving the
American Way of Life Rests Pri-
marily With the Citizenry



SOIRELMAN SYNDICATE
